

**ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

MINUTES

A regular meeting of the Environment, Land Acquisition & Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **June 18, 2001**.

Members Present:

Legislator David Bishop - Chairman
Legislator Michael Caracciolo - Vice-Chairman
Legislator Ginny Fields
Legislator George Guldi
Legislator Cameron Alden
Legislator Allan Binder

Members Not Present:

Legislator Vivian Fisher

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Kevin Duffy - Budget Review Office
Stuart Lozvre - The Nature Conservancy
John Turner - The Nature Conservancy
Peter Scully - Commissioner of Parks
Allan Grecco - Director of Real Estate
Jim Burke - Real Estate
Tom Isles - Planning
Dewitt Davies - Planning
Vito Minei - Health Services
Jeanine Dillon - Aide to Legislator Bishop
David Greer - County Attorney's Office
Richard Amper - Long Island Pine Barrens Society
Joseph Palermo
Kenny Spillane
Laura Michaels
John Falciani
Dr. Anthony Bonasera
Robert Muller
Noreen Morris
Carolann LaSala
John Bunde
All other interested parties

Minutes Taken By:

Donna Barrett - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 3:45 P.M.*)

CHAIRMAN BISHOP:

Welcome to the Environment, Land Acquisition & Planning Committee.
Please rise for the Pledge of Allegiance led by the Director of Real Estate, Allan Grecco.

SALUTATION

Good afternoon, everyone. It's June 18th, this is the meeting of the Environment, Land Acquisition & Planning Committee. We have pledged our allegiance, and we will go to the cards, the Public Portion. And we will begin with Doctor Anthony Bonasera, who is representing the Mount Sinai School District.

MR. BONASERA:

I'd like to thank the committee for inviting me to speak today. Recently I received a correspondence from Legislator Caracciolo, who is proposing a bill that would provide communities with payment in lieu of taxes for lands acquired under the Land Preservation Act of the Land Acquisition Act. The only thing I would ask the Legislature to consider or the committee to consider is expanding upon that proposal. Currently, as I understand it, the proposal is for a payment in lieu of taxes on undeveloped land for a period of five years. What I would ask is that some mechanism be put in place for a full disclosure of what the financial impact of that land acquisition be on the community in which that land is situated and then following that full disclosure, have some sort of a referendum within that community on whether or not the community would like the Legislature to purchase the land.

If the community agrees to that purchase or supports that purchase, I would suggest that no payment is due because the community, in fact, is getting what the Legislature -- Legislature would like them to have. If the community does not support that acquisition for financial reasons, and the Legislature deems the property still valuable for acquisition, then I would ask that you consider providing in perpetuity payment of taxes on the development of that land. We recently have had two pieces of property purchased in our community that have had, in my estimation, an affect on the taxpayers about \$300 per household, three to \$500 per household in perpetuity. So I would ask that you consider that when you deliberate on that legislation. Any questions?

CHAIRMAN BISHOP:

Members, any questions?

LEG. CARACCIOLO:

I'd like to thank you though for appearing and sharing your thoughts.

CHAIRMAN BISHOP:

Thank you very much.

MR. BONASERA:

Thank you very much.

CHAIRMAN BISHOP:
Michael, good luck to you on that proposal.

LEG. CARACCIOLO:
It's a start.

CHAIRMAN BISHOP:
It's going to be a long road for that one. I hope I have the correct order. Is Robert Muller -- you're here. Are you joining by anybody?

MR. MULLER:
Just myself.

CHAIRMAN BISHOP:
Just yourself. Come on up. May I ask, is Noreen Morris -- you're speaking on the same resolution?

LEG. FIELDS:
Yes.

CHAIRMAN BISHOP:
And you're on the same side of the issue?

LEG. FIELDS:
They don't know him.

CHAIRMAN BISHOP:
Okay. We'll let you go separate. You can sit down. Generally, people like --

MR. MULLER:
I prefer to stand, actually. I've sat here before, and I like standing.

CHAIRMAN BISHOP:
Okay.

MR. MULLER:
Thank you, Mr. Chairman, distinguished committee members. Thanks for allowing me to speak. I'd like to speak in support of Legislator Fields' proposal to acquire the land on the corner of Connetquot Avenue and Sunrise Highway, the northeast corner there. I'm a third-generation Islip Terrace resident. And my letter to Legislator Fields -- you should all have a copy of that. My family's been in the Islip Terrace area since the 1920's, just about back at the time when it was Old Germantown. And I live in one of the original very early Wolpert houses in Islip Terrace area. So I've been there a long time, I've grown up in the area, I've seen a lot of the changes there. I am opposed to the development of that property. In addition to the obvious environmental concerns, my letter spells out three different subjects that concern me.

The first one is that of what is known -- what I deal with in the non-profit business is called intergenerational equity. That being that decisions that we make now, we must weigh their effects on generations after us as well. As a child, I spent a lot of time in

and around that property, and I can say it had a positive affect on my childhood and had many happy memories from the area. One particular story which I spell out in that letter -- I don't want to go further into now -- but I'm concerned that if we loose that open space that it's going to have a negative affect on future generations, I have no doubt about that in my mind, as a long time Islip Terrace resident. I also have nieces and nephews who have grown up in Islip Terrace.

The second issue is that of community pride. If you look at the last page attached to this letter, it's an old post card from Islip Terrace. And if you look at that, Islip Terrace does not look much like that anymore. At one time the town that I lived in was considered post card material. These days there has been such an affront on the beauty of Islip Terrace; that new Federal Courts Building right across the parkway in Central Islip is sort of a little bit of a shame, which unfortunately affects my town as well. But community pride is an important part for me, obviously, with having a long family history in the area.

The third issue in my letter is that of safety, particularly traffic safety. The traffic has increased in Islip Terrace greatly over the years. I'm a cyclist in the area, and I can tell you it's very tough to go cycling safely in the area. I've been through that intersection thousands of times, and I hope to go through it thousands more in my lifetime, and any development on that corner is going to make that a very, very dangerous corner. So those are the main subjects that concern me. I appreciate your consideration of those. If you have any questions for me, I'd be happy to entertain them.

CHAIRMAN BISHOP:

No. I think that's an excellent letter, and I appreciate your presentation.

LEG. FIELDS:

Thank you very much.

MR. MULLER:

Thank you, Legislator Fields.

CHAIRMAN BISHOP:

I'm going to take anybody else who is speaking on this issue, which I think is Noreen Morris and John Bundle -- Bunde, excuse me. Is that it? Is there anybody else from Islip Terrace who wants to speak? You're on that issue as well. Okay. You know what we could do is all of you can come up, and take the seats at the table here.

LEG. FIELDS:

They're not all on the same side.

CHAIRMAN BISHOP:

They're not on the same side. Those who are in favor come forward, and we'll leave those opposed for a minute. Please sit.

MS. LASALA:

I'll start if you don't mind. Hello folks, it's always a pleasure to see you. Thank you for allowing me to speak today. My name is Carolann LaSala, and I am a District Office Administrator for the East Islip

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School District here to relate a stance of the district, as related to the Greenview properties found within our districts boundaries. We would just merely wish that you would consider the following: Number one, to put the land back do commercial zone, which will help all district residents as East Islip has very limited business and this will help to relieve the taxpayers.

Number two, to have single-family housing, which would help the district with limited number of students in additional State Aide, along with the increase of tax that the district would receive from 86 single-family homes. As a final recommendation, the district wishes to see the development of the property to bring in some additional tax revenues for the district. Commercial zoned or single-family housing are more beneficial to our tax payers and will have less of an impact on traffic in and out of Connetquot Avenue as would seem endemic to the proposed -- of senior housing to the area. The district will not support changing the property to parkland status unless taxes are given to the district in lieu of tax-exempt property, as has been done in other districts here on Long Island. You are all aware that East Islip School District has a large amount of property off the tax rolls. The Board Of Education and Superintendent Michael Capozzi do not wish to burden the taxpayers of the district needlessly. This issue is of great importance to the East Islip School community, and I trust that you will listen to the people that are here today. Thank you.

CHAIRMAN BISHOP:

I have been here about a decade. I don't know of any property that we've purchased for open space that we pay taxes on or pay PILOTS on.

MS. LASALA:

I believe that Superintendent (Capozzi) was referring to other districts that he is aware of that indeed, in terms of -- for example, if there is open space and you chose to keep it as open space without the development of housing, as an example, if a swimming pool were to be put into that open space area and admission were charged for a swimming pool, that in and of itself generates taxes for the school district. Our main concern is that we seemingly are almost singled out in terms of having a district that does have these kinds of problems in terms of not having overall general tax relief to the residents. If this is an opportunity to provide tax relieve to the residents, certainly that is something that the district is very concerned about and would, indeed, support.

CHAIRMAN BISHOP:

But you understand we don't do -- it's not like East Islip is not getting something that other districts are getting.

MS. LASALA:

I understand that. I think the other thing really, and these people have been so dedicated to this cause, and I've been with them at many of the meetings in which they have been in attendance. I think another very major concern -- and for those of you who are not in that area or don't see it on a daily basis, please know that Connetquot Avenue at this point in time is already taxed in terms of traffic. We have an elementary school that is directly off of Connetquot Avenue with very small children, obviously. In terms of the impact of what 515 potential traffic stalls would allow in the development of the senior housing

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project, you're looking at what they anticipate to be a minimum of 515 stalls. And we're very concerned about the traffic impact in that particular area.

CHAIRMAN BISHOP:

So you're -- you support the effort to preserve the property, but you want to be paid as well.

MS. LASALA:

In other words, we would like to have some --

CHAIRMAN BISHOP:

You would like your cake and eat it too.

MS. LASALA:

Yes, in very simple words. I would say that in terms of the proposals that are there, in terms of the senior housing. And we're not against senior citizens. I don't want that to be conveyed. Legislator Fields knows that we have an esteemed elder program that -- in which we invite our district's residents. The thing is that in terms of the overall impact, that in and of itself, I think is not really the priority of the district would like to see occur.

CHAIRMAN BISHOP:

Understood. Thank you.

MS. LASALA:

Thank you.

CHAIRMAN BISHOP:

You have a question for that speaker?

LEG. FIELDS:

No. Can I just explain what this proposal is?

CHAIRMAN BISHOP:

Sure.

LEG. FIELDS:

It is 26 and a half acres adjacent contiguous to Connetquot River State Park Preserve. The developer would like to change the zone from a B Zone, single family, to a C Zone, multiple family. 294 senior citizen apartments, parking for 515 cars, the ability to house 19 year old children and above, and the Department of Transportation, State Department of Transportation, has some major questions about what the developer is trying to do as far as access onto Sunrise Highway, which is a danger, especially to senior citizens. Connetquot Avenue is a major danger, and I think the rest of the speakers may have some other information that they would like to add.

CHAIRMAN BISHOP:

Please.

MS. MORRIS:

Hi. My name is Noreen Morris, I've lived in Islip Terrace for 28 years. This piece of land is contiguous to Connetquot River State Park and the

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Bayard Cutting Arboretum. We need to really look at these waterways as interconnected systems. When you start to develop, you have impervious man made surfaces like asphalt, concrete, roof tops and the compacted earth that's associated with this. This creates a barrier to the percolation of rain fall into the soil, increasing the surface runoff. When you increase the surface runoff, you transport pollutants directly into the groundwater and to the waterways, creating the non point source pollution. And this is the single largest threat to water quality in the United States. And this is a threat that would be devastating to the Great South Bay along with Connetquot River. The Connetquot River, as you know, is New York's only preserve and is world known for its trout fishing.

In addition to the water pollution, there would be additional air pollution resulting from the destruction of natures own air filters; the trees. It's a known fact that trees help the quality of air by taking in carbon monoxide while producing oxygen. This is significant as the incidence of childhood asthma threatens to reach epidemic proportions. Poor air quality is sighted as the greatest contributor to this illness. So I ask you to actually look at this very closely, because, as I said, I've lived there for 28 years. When they originally put the on and off-ramp, and they cut out the mini-bike trails, it was really, not so much upsetting, but that -- Islip Terrace is changing, and it has changed over the years. And I would really like you to look at this very closely. Thank you.

CHAIRMAN BISHOP:

Very good. Thank you.

AUDIENCE MEMBER:
Can I say something?

CHAIRMAN BISHOP:
No. You're not allowed. You can fill out a card though and --

AUDIENCE MEMBER:
Would Binder and Alden pay attention to what the hell is going on so they can discuss this intelligently?

CHAIRMAN BISHOP:
You're right. That's not a prerequisite here.

AUDIENCE MEMBER:
Thank you.

MR. BUNDE:
Good afternoon. My name is John Bunde. I'm a lifelong resident of Islip Terrace, well, actually, the East Islip School District, having grown up in East Islip. I live at 40 Craig Place in Islip Terrace. And I'm the president of the Islip Terrace Community Association. I would like to address the two resolutions submitted by Legislator Ginny Fields with regard to the 26.5 acres of wooded undeveloped property at the northeast corner of Sunrise Highway and Connetquot Avenue. This parcel adjoins my neighborhood to the south and the east. This property also adjoins the Connetquot River State Park Preserve on its eastern boundary and Sunrise Highway to the south.

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The future use of this particular parcel has become a big issue in our community in the past few months. The developer is interested in downzoning the property's present B Zone Residential status. This property was upzoned from Business Two District to business -- to B Zone Residential on July 18, 1985 by a special initiative recommended by the Islip Town Planning Board to the Islip Town Board to prevent the overdevelopment of this property, to consolidate like districts in our community and encourage smart, responsible development of this parcel in the best interest of our community and in accordance to Islip Town's Comprehensive Plan.

On May 30th of 2001, I organized and chaired a community meeting at the Islip Terrace Fire Department's Main Meeting Room in Islip Terrace. Over 250 residents of our community attended this meeting. Many more residents could not access the meeting due to limited available parking at both the fire department and neighboring businesses. The agenda of this meeting was to inform the community of the development proposal for this parcel and to chart a course to combat the downzoning of this property. An overwhelming majority of those present supported the opposition to the zone change. Legislator Ginny Fields attended this meeting and asked if the community residents supported an application for

the purchase of this property by Suffolk County for open space. All those in attendance supported her resolution being submitted.

A lot has happened since then to strengthen the support for the two resolutions Legislator Fields has filed. Support for our own position has grown. Over 1250 community residents signed a petition against a change of zone. Eight hundred to a thousand community residents attended the Town of Islip Planning Board hearing with regard to this property on June 13th. Again, at the hearing, Legislator Ginny Fields brought up the resolutions that she has filed to the Planning Board and to those present to a round of great applause. Even those residents -- three in attendance -- who support the development proposal would rather see the land purchased. Their reasoning for support of the development proposal revolves more around the fear of low income number housing being built there in its place, even though the Planning Board has stated this is not likely.

This property is contiguous to Connetquot River State Park Reserve. It is the last largest parcel left in the Town of Islip for acquisition with this attribute. Even the Suffolk County Water Authority has shown an interest in the co-purchase of this property. It is very important that the Legislature not let this opportunity slip away. While we are doing all that is possible to prevent irresponsible development of this parcel, the Suffolk County Legislature should proceed with the process towards acquiring this land. Support for responsible development of this property is growing every day. Various newspapers have expressed interest in this delicate community issue. Acquisition of this land for open space would be the ultimate victory of our cause, and no one in this community would object to this acquisition.

This land is a perfect natural buffer for our community from Sunrise Highway, especially since the New York State DOT has no intention of constructing sound retention walls on the Sunrise Highway corridor. Any development of this property would remove our buffer while overloading our already stressed infrastructure at Sunrise Highway and Connetquot

Avenue, an area long known for its traffic hazards. Over 80% of the motor vehicle accidents in our fire districts occur in this area, 456 over the past five years, through May of 2001. This excludes those on the eastbound side of Sunrise, which are in East Islip's Fire District and those accidents without injuries to which only the Suffolk County Police Department responds. Furthermore, development of this property will remove our greenbelt, increasing air pollution and noise pollution from vehicles on Sunrise. Surely, there will be an environmental impact on the neighboring preserve and the Great South Bay Estuary as well, especially with regard to surface runoff created by man made surfaces.

A large reason for our opposition to the change of zone is that the community residents have grown to love the wooded setting that this property offers as a gateway to our community. We came out in numbers to

tell the Town of Islip that development of this parcel should be the impact, lowest density allowed in its current zone. Thereby having the least impact on our community environmentally, demographically, with regard to traffic safety and for those whose property adjoins the lot, financially. Our quality of life as residents of this community has shown to be our highest priority as evidenced by the large numbers of those willing to stop their busy schedules and support our cause. We can think of no other lower impact for this property than the acquisition of it by Suffolk County. This would benefit the residents of this community for generations. Thank you for your consideration.

CHAIRMAN BISHOP:

Thank you. Do legislators have questions? I have a question or two. Kevin or Paul, the resolutions that Legislator Fields has are drawing down from the quarter cent revenue sharing Town of Islip dedicated fund?

MR. SABATINO:

The first one, there's \$3.5 million left in the residuary, which is known as revenue sharing. And the second bill looks at the pay-as-you-go quarter percent.

CHAIRMAN BISHOP:

Okay. Now --

MR. SABATINO:

They're Planning Step Resolutions.

CHAIRMAN BISHOP:

And they're both Planning Steps.

MR. SABATINO:

They're both Planning Steps just to get the process initiated, but the best program, obviously, was the 12-5-E Fund --

CHAIRMAN BISHOP:

Islip --

MR. SABATINO:

That's Islip money that's not being used any place else.

CHAIRMAN BISHOP:

Okay. You concur, Kevin? Okay.

MR. DUFFY:

Yes.

CHAIRMAN BISHOP:

Okay. That's what I needed to know.

MR. BUNDE:

Additionally, I just would like to mention that I understand the school's position with regard to this property and the tax revenue situation. Being a district resident and with the support that we've had both at the community meeting and at the Planning Board, and also from phone calls and e-mails we've received, the community right now -- basically, we all understand that we pay higher taxes in this area in order to have this open space that we have; Heckscher Park, Connetquot River State Park, Bayard Cutting Arboretum. We all realize the tax impact of acquisition of this land, and I think ideally, it would be nice to know -- and I had asked Legislator Fields about this -- what the, as an undeveloped parcel, I believe the annual property roll is around seventy some odd thousand dollars, what the impact of that is on a number of households in our community? It probably is a small number.

CHAIRMAN BISHOP:

Negligible. Right. Behind you, Director Grecco is signaling.

MR. GRECCO:

Mr. Sabatino mentioned that this was coming out of the 12-5-E Fund for Islip. And it would be three -- approximately 3.7 available. I wanted to advise you that we have a parcel coming out of the that fund from Progressive Ventures for 400,000, and we've just gotten a recent acceptance for Orphan Asylum Society of the City of Brooklyn for 950,000. Essentially, what you have is approximately 1.7 out of that fund available for this sort of purchase. The balance of the money would have to come from the new Drinking Water Program. Thank you.

CHAIRMAN BISHOP:

Legislator Alden has a question.

LEG. ALDEN:

Excuse me, Allan. The parcel on Union Boulevard, is that out of that fund also? The one on -- just west of Saxon Avenue on Union Boulevard.

MR. GRECCO:

That's in contract. That's progressive at 400,000, yes.

LEG. ALDEN:

But -- right. That's for the -- I know, but how about the reconstruction that's going to take place on that property? Is that counted in that 400,000?

CHAIRMAN BISHOP:

It can't come out of that money.

MR. GRECCO:

No. I don't believe it's come --

LEG. ALDEN:

No, I just --

MR. GRECCO:

I have other matters in negotiation; {Vincenti, Mongello, FMO} Associates and Nikon, which we've figured to be approximately \$300,000 in total. Just be mindful of -- we have money in that account, but I would only say that there is only about 1.7 that I could apply. Since this parcel, as I understand it, is currently zoned for 90 residential units, you may have a sizeable price tag, which will be paid out of the new fund. So the basic message I'm giving you is that don't have great reliance on the 12-5-E Funds.

CHAIRMAN BISHOP:

It's zoned single-family?

MR. GRECCO:

Yes.

CHAIRMAN BISHOP:

It remains zoned single-family?

MR. GRECCO:

Yeah. Mr. Isles has more familiarity on that zoning issue.

LEG. FIELDS:

Can I read just a letter into the record from Suffolk County Water Authority? It's from Mike LoGrande, Chairman. "I received your letter concerning Greenview Properties. I would like to advise you that what the Authority has is an interest in part of the site for well field purposes subject to satisfactory groundwater studies. If the County is interested in using Groundwater Protection Funds, we may participate in that acquisition subject to satisfactory tests."

CHAIRMAN BISHOP:

Mr. Isles, Director of Planning.

MR. ISLES:

I would add to Legislator Alden's comments. On the progressive matter, the purchase of that property would include the demolition and cleanup of the site, in terms of the basic improvements that are on there presently. In terms of going beyond that, in terms of doing storm water remediation, we think that that would be an option for the new quarter percent Storm Water Remediation Program. So funding can be accessed from that source.

LEG. FIELDS:

Mr. Isles, can you comment about your feelings on this resolution?

MR. ISLES:

Sure. The Planning Department has reviewed this application of this resolution. We're quite familiar with the property. We find many of the comments made today by some of the residents in terms of the proximity to the Connetquot State Park Preserve, also as pointed out, that's within the South Shore Estuary Reserve. It's also a location, quite frankly, where in Western Suffolk County with a fair amount of development, there is a reprieve, an oasis of sort, along this part of Islip Town of several

thousand acres, and this is one of the more visible pieces along that corridor. So the Planning Department, at this point, for the Planning Steps Resolution before you, would support that resolution.

INTRODUCTORY RESOLUTIONS

1594 Authorizing planning steps for land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (Connetquot Avenue Property, Town of Islip, Suffolk County Tax Map No. 0500-299.00-01.00-010.000) (Fields)

CHAIRMAN BISHOP:

Thank you. Okay. Do we have a motion to take it out of order?

LEG. FIELDS:

Can I take it out of order and then make another final comment?

CHAIRMAN BISHOP:

Yes. Take it out of order, please.

LEG. FIELDS:

Motion to take it out of order.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

What number are we on?

LEG. FIELDS:

There are two.

MR. SABATINO:

It's 1594 and 1595.

CHAIRMAN BISHOP:

Resolution -- to take 1594 out of order. Seconded by myself. All in favor opposed? 1594 is now before us. It's now before us. On the underlying resolution, is there a motion?

LEG. FIELDS:

Motion to approve.

LEG. CARACCILO:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Caracciolo.

LEG. ALDEN:

On the motion.

CHAIRMAN BISHOP:
On the motion, Legislator Alden.

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LEG. ALDEN:
Normally, when you are going to go and spend a town portion of the quarter percent Drinking Water Protection Program, you have in the past asked for unanimous support from all the people from that town. And in this instance -- do you have -- I don't think you have it, do you, George?

LEG. GULDI:
Yes.

CHAIRMAN BISHOP:
His joke is that he is the only one who represents his town.

LEG. CARACCIOLO:
We have a unique situation.

LEG. ALDEN:
I get it. It wasn't that funny, but, you know, I mean, I get it.

LEG. GULDI:
Good.

CHAIRMAN BISHOP:
So you're opposing based on the fact that --

LEG. ALDEN:
Actually, there's two other Legislators too from Islip, and I would just ask that before we move forward on this, we actually get the input from the rest of the delegation from Islip.

LEG. CARACCIOLO:
I have been around this horseshoe a long time. I never recall a rule, a process, a procedure wherein one Legislator from the same town would essentially have veto power over adopting a resolution that's good for the residents of that town, even though it may not be in their district.

LEG. ALDEN:
Did I say veto power, Legislator Caracciolo? Or did I just say when you're spending quarter percent money that is delegated to one town, that usually, there is unanimous unanimity among those Legislators from that town. And that goes back -- maybe it doesn't back to when you were originally elected, but for the three and a half years that I've been here, that's the way it's worked as far as I've seen.

LEG. CARACCIOLO:
Legislative Counsel, could you shed some light on this discussion because

I do not recall such a procedure or practice?

MR. SABATINO:

There isn't. There is a little confusion, I think. There's different parts to the Quarter Percent Program. The old Quarter Percent Program, which dealt the Pine Barrens property had -- there was a provision that 75% of the town revenue sharing money had to go onto land preservation purposes. Those were monies that were actually allocated to the towns. That's not the case with this money. This money is what they call residuary money. This money is for --

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LEG. CARACCIOLO:

It would be helpful if Legislator Alden listened to Counsel.

LEG. ALDEN:

Excuse me.

LEG. CARACCIOLO:

He's trying to make you informed.

LEG. ALDEN:

And what does that have to do with your comment?

LEG. CARACCIOLO:

Well, you're not paying attention.

LEG. ALDEN:

How do you know I'm not paying attention?

LEG. CARACCIOLO:

You're talking to Legislator Binder.

LEG. ALDEN:

I'm listening. So thank you, Mike, for being what, school monitor?

MR. SABATINO:

There were two parts to the program. The old program had 75% --

LEG. ALDEN:

Can I interrupt you for a second? If there is anything else you see that you don't like that I'm doing, Mike, just please feel free to just jump in --

CHAIRMAN BISHOP:

All right. Legislator Alden, Legislator Caracciolo, I'm going to have to take control of this. Just bring it down. If you want to give an answer, not an editorial, please, counsel, just answer the question.

MR. SABATINO:

There are two components to the program. The old program, 75% of actual

revenue sharing money went to the towns. That's where the towns actually had to get control of the money, and they would pass a resolution, and they would allocate it in conjunction with the County. The money in question here is called residuary money, 12-5-E. This money is allocated, not to the towns, but to the geographic regions, and it's only applicable to Babylon, Islip, Huntington, Smithtown and Shelter Island. But it was specifically written into that statute that it was not money for the towns to spend, it was money for the County to spend. The only limitation is that it be in that geographic region.

LEG. CARACCIOLO:

And I would like to comment, Mr. Chairman, that you and I sponsored that amendment to the Charter Law. So I think I have some familiarity with what we intended to do.

CHAIRMAN BISHOP:

All right. All right. We'll call the vote then. This is on 1594, which

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is using the quarter cent residuary money for the previously described acreage. All in favor? All opposed?

LEG. ALDEN:

Opposed.

LEG. BINDER:

Abstain.

CHAIRMAN BISHOP:

One opposed. One abstention. Resolution is approved.

APPROVE(VOTE: 5-1-1-0) (LEG. ALDEN; OPPOSED) (LEG. BINDER; ABSTAINED)

1595 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land on Connetquot Avenue in Islip Terrace, Town of Islip) (Fields)

CHAIRMAN BISHOP:

Is there a motion on that one?

LEG. FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

This is for planning steps only. We can come back for a subsequent resolution if it was to be purchased. All in favor? Opposed?

LEG. BINDER:

Abstain.

LEG. ALDEN:

Opposed.

CHAIRMAN BISHOP:

Same vote as the previous resolution. It is approved. Thank you.

APPROVED (VOTE: 5-1-1-0) (LEG. ALDEN; OPPOSED) (LEG. BINDER; ABSTAINED)

LEG. FIELDS:

Just for those who showed up, this is planning steps, which means now that it has to go before the full Legislature to be approved. If approved, then it would go through steps of appraisal and that doesn't mean it's going to be purchased.

CHAIRMAN BISHOP:

Having concluded the preliminary, the under card, we'll go to Mr. Amper, usually our main event.

MR. AMPER:

Mr. Chairman, I think you've already seen the main event. This is a great day for the Suffolk County Legislature. It's not even worth trying to listen to. I'm Richard Amper, and I'm Executive Director of the Long Island Pine Barrens Society. Let's go Ducks. That's all I can tell you. I want to thank the Chairman and the Members of the this Committee for helping us with the Drinking Water Protection Program and the clarification that this Legislature has sought in terms of the capacity to borrow against the revenue strain. The County Executive wrote an

excellent letter to the Governor supporting our capacity now to borrow against the revenue strain using money at as little to zero to 3% interest. And this Legislature has been second to none in getting this work done. Since the Executive Branch and the Legislative Branch seem so supportive of this, I am hoping to you will take every action that you can to work with the Real Estate Division in making sure these things happen now. We are hearing for the first time, from developers directly, it's an unusual phenomenon, it's -- anyway, we're hearing for the first time concerns that the County's acquisitions under the Drinking Water Protection Program are declining if not stopping. And we're concerned that we may lose land that you have indicated as appropriate for development across the County because of the flow of revenue.

CHAIRMAN BISHOP:

You're talking about the Pine Barrens.

MR. AMPER:

Not just Pine Barrens money, anything under the Drinking Water, the Quarter Penny sales Tax Program, the one renewed in 1999, and which the Governor signed a resolution last week indicating that you now have the authority to borrow against the revenue strain, the matter has been clarified. I think in the interest of everyone, certainly the Legislature and the County Executive have been very supportive. I wonder if you will work -- this Committee will work -- directly with the Real Estate Department to ensure whatever they need to continue the flow of

dollars so that these acquisitions are not lost. You folks, I know you to be both environmentally concerned and physically responsible. Here we have an opportunity to preserve land while it's still available, that is before it's developed, and to obtain it for decidedly less cost than if we delay the acquisition. So I think it's important for the Legislature in determining the dollars it will borrow and the rate at which is able to approve projects for appraisal and acquisition to work closely with the Executive Branch to make sure that those needs are addressed. We're terribly concerned that even this swift action by the State Legislature may not be enough to keep the flow of dollars going unless the Legislature and the Real Estate Department work together to make sure this happens. No one should have to listen to me for any longer today than that, maybe at all. But -- unless anybody has any questions or is eager to inflict pain on me and the Legislature, I'm prepared to throw it in today.

LEG. GULDI:

Don't present us with such a binding proposition.

CHAIRMAN BISHOP:

First I want to alert you, Mr. Amper, that on July 30th, Ray Cowan is scheduled to appear before this committee, and that's a very important hearing because we're going to be discussing how we proceed in the Pine Barrens Program with special attention being paid to all the properties that was authorized under the previous Quarter Cent Program that are now in limbo in the new Quarter Cent Program. One of the critical issues is whether the State has meet their either tacit obligation or legal obligation to fully participate in this program. So we'd like to have you, on that date, in full voice speak to that issue.

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MR. AMPER:

I'd like to. And I should say to you that the State did make an initial commitment, which they had generally tried to follow. But given the magnitude of this commitment and what's necessary to finish the job, both in the Pine Barrens and out, I think it's important for the State to step up to the plate and provide additional support to what this county is doing so nobly.

CHAIRMAN BISHOP:

Okay. Other than that, you're free to go and heal.

MR. AMPER:

Legislator Guldi, I'm out. Thank you very much.

CHAIRMAN BISHOP:

Legislator Fields is out of the room. Why don't we go to the agenda. We'll come back to the presentation at the end. Oh, why don't we do the SEQ?

MR. BAGG:

Actually, there are no SEQ items on the agenda, but I was asked by the County Executive to come and address 1493, which is the connection of the acquisition of active parklands in Lindenhurst, Town of Babylon.

MS. BARRETT:

Can you state your name, please.

MR. BAGG:

James Bagg, Suffolk County Department of Planning. The council has not really formally received any EAF to date on this project, yet under SEQRA. In addition, I've checked a copy of the EAF and the proposed resolution, and I think there is a discrepancy in the EAF with respect to what is being acquired under the resolution. So either the EAF is incorrect or the resolution is incorrect.

CHAIRMAN BISHOP:

I think the EAF was filled out by the Village of Lindenhurst. What's the -- first of all, why do you have to come here? Why couldn't you just call us?

MR. AMPER:

Well, I did call your office, but I was requested by the County Exec's Office to address it.

CHAIRMAN BISHOP:

I think the message is being sent. Okay.

MR. AMPER:

I called your office this morning and said --

CHAIRMAN BISHOP:

Okay. Thank you very much for coming to inform us of that. Let's go to the agenda, and then we have a presentation on the South Shore Estuary, which I know Legislator Binder is eager to sit through.

1493. Implementing Greenways Program in connection with the acquisition of active parklands in Lindenhurst, Town of Babylon. (Bishop)

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Binder. All in favor? Opposed? TABLED (VOTE: 6-0-0-1) (Absent: Leg. Fisher)

1494. Adopting Local Law No. -2001, A Charter Law to promote Smart Growth by diversifying composition of County Planning Commission. (Fields)

CHAIRMAN BISHOP:

Motion to table by Legislator Fields. Seconded by Myself. Requires Public Hearing. TABLED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

1499. Approving acquisition under Suffolk County Land Preservation Partnership Program (Rasmussen Property at 68 North Ferry Road) Town of Shelter Island (Caracciolo)

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

We'll defer until he returns.

1502. Directing County Planning Department to establish RFP Policy for securing grants for Soil and Water Conservation District. (Fields)

CHAIRMAN BISHOP:

Legislator Fields.

LEG. FIELDS:

I'm going to make a motion to --

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

You don't even know what the motion is.

LEG. FIELDS:

-- table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields. Seconded -- no matter what she said -- by Legislator Guldi. All in favor? Opposed? It's tabled. TABLED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

We have a whole slew of SEQRAs now.

1512. Making a SEQRA determination in connection with the proposed intersection improvements on CR 13, Fifth Avenue at Candlewood Road, Brentwood, Town of Islip - CP 3301. (Presiding Officer)

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fields. Seconded by myself -- by Legislator Alden. All in favor? Opposed? 1512 is approved. APPROVED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

That's Islip cooperation for you.

1513. Making a SEQRA determination in connection with the proposed intersection improvements on CR 31, Old Riverhead Road, at CR 104, Quogue/River Road, Town of Southampton - CP 3301. (Presiding Officer)

CHAIRMAN BISHOP:

Motion to by Legislator Guldi. Seconded by myself. All in favor? Opposed? 1513 is approved. APPROVED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

1514. SEQRA determination in connection with the proposed intersection improvements on CR 67, Motor Parkway at Adams Avenue, Hauppauge, Town of Smithtown - CP 3301. (Presiding Officer)

CHAIRMAN BISHOP:

Motion by Legislator Binder. Seconded by Legislator Alden, in favor of commerce. All in favor? Opposed? 1514 is approved. APPROVED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

1515. Making SEQRA determination in connection with the proposed construction of Salt Storage Building, Commack, Town of Smithtown. (Presiding Officer)

CHAIRMAN BISHOP:

Motion by Legislator Binder. Seconded by Legislator Alden. 1515 is approved. APPROVED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

1516. Making a SEQRA determination in connection with the proposed intersection improvements on CR 46, at Surrey Circle, Mastic, Town of Brookhaven. (Presiding Officer)

CHAIRMAN BISHOP:

Motion by Legislator Guldi. Seconded by Legislator Fields. All in favor? Opposed? 1516 is approved. APPROVED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

1517. Making a SEQRA determination in connection with the proposed construction of County alternative DWI Facility (Replacement of) Town of Brookhaven, CP 3044. (Presiding Officer)

CHAIRMAN BISHOP:

Is there a motion?

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Guldi. Is there a second? Seconded by myself. All in favor? Opposed? 1517 is approved. APPROVED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

1518. Making a SEQRA determination in connection with the proposed drainage improvements on CR 40, Three Mile Harbor Road, Town of East Hampton, CP 5542 (Presiding Officer)

CHAIRMAN BISHOP:

Motion by Legislator Guldi. Seconded by myself. All in favor? Opposed? 1518 is approved. APPROVED (VOTE: 6-0-0-1) (Absent: Leg. Fisher)

Counsel, can SEQRAs go on the Consent Calendar?

MR. SABATINO:

For legal reasons, no.

CHAIRMAN BISHOP:

Okay. Thank you.

1523. Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection. Dr. Robert Turner) (Guldi)

LEG. GULDI:

It's now created by a bill that I submitted six or eight months ago to create a panel to develop -- help develop really a background policy on both expansion and alteration to the special groundwater protection area, an evaluation of the measures that the County should undertake under its jurisdiction in those areas to interdict pollution -- potential sources including pesticides, fertilizers and the like.

CHAIRMAN BISHOP:

How many members do you have on this thing?

LEG. GULDI:

Counsel, my recollection is there are nine.

MR. SABATINO:

There is a total of seven members. One is an ex officio, which is Commissioner of Health; the second one is ex officio, which is the Chairman of the Health Committee; one should be the Chairman of the Environment Committee and then the others have to be Legislative appointments, and they have to fit certain categories.

LEG. GULDI:

Right. And one of the things that's happened is that today there is a letter by the North Fork Environmental Council Member --

LEG. CARACCILO:

W. L. Cane.

LEG. GULDI:

W. L. Cane, seeking appointment. Now, the Health Committee and the Environment Committee Chairman could make that appointment as their designee, and the committee can go forward and do its work. Those individuals who I have submitted those four resolutions for, Doctor Turner, Richard Amper, Sara Meynard, and Julie Penny have been contacted by my office, asked to serve and have agreed to serve. Those individuals -- what I suggest we do is -- is that we move forward on these four resolutions today. Those individuals who seem to now be coming forward

-- though there was substantial time period in expressing interest in it -- we could either use them to fill out the designees of the department heads and committee chairs who are ex officio members of this committee and/or consider at a later time an authorization of the composition of the committee to expand its membership if there is an outcry for interest. Meanwhile, I'd rather not delay further the six month start of this committee. I'd like to see them get started to work. And to do that, we need to move the resolutions.

CHAIRMAN BISHOP:

Legislator Alden has a question, and I have one as well. Legislator Alden.

LEG. ALDEN:

Legislator Guldi, if you would allow this to be tabled for just one cycle because there are other people that have come forward now that -- and you did take the initiative to try to get this up and running and make these four appointments. Also, I did notice that Mr. Amper was here today, but are the other three potential appointees, are they --

LEG. GULDI:

I haven't ask them to come, no.

LEG. ALDEN:

All right. I think it's, you know, like -- although last time I mentioned something about traditional behavior on the -- as far as that the Legislature, it has been tradition, I believe, that appointees do come before us and actually present their credentials and present themselves for questioning before us. So I'd just ask if you would, you know, really suffer to have these tabled for one cycle?

CHAIRMAN BISHOP:

Can I -- Director Isles, SGPA, Special Groundwater Protection Areas, how many are there in Suffolk County, and are they throughout the County or mostly in the East End?

MR. ISLES:

They do extend from Western Suffolk to the East End. And they don't encompass the entire County, obviously. They encompass portions of the County for deep flow --

LEG. GULDI:

No. But I think they should.

MR. ISLES:

Pardon me?

LEG. GULDI:

I think they should.

MR. ISLES:

Okay. That's a point of view. At the present time, they don't.

CHAIRMAN BISHOP:

There are a number of them there throughout the County. There are SGPAs in Western Suffolk, there are SGPAs in Central Suffolk, Eastern Suffolk

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and so forth.

LEG. BINDER:

Why don't we just table it?

CHAIRMAN BISHOP:

We can have these people come to the next meeting, is that fine? Is that all right? Well, that's Legislator Binder's motion is to table.

Seconded by Legislator Alden. Is there a discussion on it? Anybody feel strongly? All in favor of tabling? Opposed? Tabling for one cycle.

LEG. GULDI:

Note me as opposed.

CHAIRMAN BISHOP:

Legislator Guldi will be opposed. TABLED (VOTE: 5-1-0-1) (Legislator Guldi; opposed). (Absent: Leg. Fisher)

LEG. CARACCILOLO:

Mr. Chairman.

CHAIRMAN BISHOP:

It's the same vote on 1523, 1524, 1525, 1526.

1524. Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection. (Richard Amper) (Guldi)

TABLED (VOTE: 5-1-0-1) (Legislator Guldi; opposed) (Absent: Leg. Fisher)

1525. Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection. (Sara Meynard) (Guldi)

TABLED (VOTE: 5-1-0-1) (Legislator Guldi; opposed) (Absent: Leg. Fisher)

1526. Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection. (Julie Penny) (Guldi)

TABLED (VOTE: 5-1-0-1) (Legislator Guldi; opposed) (Absent: Leg. Fisher)

LEG. CARACCILOLO:

Dave, I'd like to make a motion to cast my vote with the majority of all the previous resolutions that I was temporarily out of room discussing a matter with a constituent, please.

LEG. GULDI:
Second.

1499. Approving acquisition under Suffolk County Land Preservation Partnership Program (Rasmussen Property at 68 North Ferry Road) Town of Shelter Island). (Caracciolo)

CHAIRMAN BISHOP:
And at this time, Legislator Caracciolo makes a resolution to approve 1499. Seconded by Legislator Guldi. That's on your third resolution on the first page.

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LEG. ALDEN:
On the motion.

CHAIRMAN BISHOP:
On the motion, Legislator Alden has a question.

LEG. ALDEN:
Tom, on this Land Preservation Partnership, what kind of funds have been expended, and what kind do we have left to be expended? You know, it is oversubscribed or undersubscribed, whatever?

MR. GRECCO:
Well, very briefly, at this we've expended 5.6 million this year. We have a balance of which 2.9 million of which 900,000 and 2 million are in contract and recently accepted. So we're oversubscribed for about 57,000 at the moment.

LEG. ALDEN:
Now this needs a resolution from whoever we're partnering with?

MR. GRECCO:
Yes. It needs a resolution from the municipality.

LEG. CARACCIOLO:
Which is attached. It's attached.

MR. ISLES:
We'll also need a Parks Trustees approval too.

LEG. ALDEN:
Does it have it?

MR. ISLES:
No, it's scheduled for this Thursday.

LEG. FIELDS:

I would make a motion to table so that the Parks Trustees can --

LEG. BINDER:

I just want to ask, how much is this for?

LEG. CARACCILOLO:

What the acreage? Five acres.

LEG. BINDER:

It's five acres.

MR. GRECCO:

In Shelter Island.

CHAIRMAN BISHOP:

At the next meeting, will you take a look at this and have a comment for us on this resolution? Planning. We'll assign Planning to that. All right. TABLED (VOTE:6-0-0-1) (Absent: Leg. Fisher)

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1554. Dedication of certain lands now owned by Campo Brothers, a New York State Partnership, to the County Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law (S.C.T.M. Nos. 0200-208-05-023, 0200-230-03-014, 0200-230-03-016, 0200-230-03-030, 0200-500-02-012 and 0200-529-02-010). (County Executive)

CHAIRMAN BISHOP:

Explanation.

LEG. CARACCILOLO:

What's the location on this?

MR. GRECCO:

These properties are located in Brookhaven Town, one is in the Saint Germaine of Alaska Nature Preserve, which is in Southern Miller Place area where we've been assembling parcels of land.

LEG. GULDI:

Say that again. Alaska's in Miller Place?

MR. GRECCO:

Well, it was named after St. German of Alaska, who lost the -- was an Eastern Orthodox Monastery, named Father Inchi who lost the property for taxes to us. So somehow he ends up having a nature preserve named after him. In any event, I didn't know there was a St. German of Alaska, in any event. And the other one is in the Warbler Woods area, which is --

LEG. GULDI:

Tell us the rest of the things you don't know.

MR. GRECCO:

To tell you what I don't know.

CHAIRMAN BISHOP:

Go ahead. What's the next one?

MR. GRECCO:

The other two parcels are in the Warbler Woods area, along which William Floyd Parkway in an area, which we have been looking at for acquisition along with the State and the town. These parcels are adjacent to County holdings. There -- I believe the Planning Department strongly recommends their acceptance for donation.

CHAIRMAN BISHOP:

Okay. Anybody want to make the argument that this going to cost so much to maintain that we shouldn't --

LEG. CARACCIOLO:

Motion to approve.

LEG. FIELDS:

Second.

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LEG. ALDEN:

It should be looked at.

CHAIRMAN BISHOP:

Okay. Motion by -- motion by Legislator Caracciolo. Seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 6-0-0-1) (Absent: Leg. Fisher)

Campo Brothers have dedicated.

1555. Amending the 2001 Capital Budget and Program and appropriating funds in connection with the continuation of the Suffolk County Community Greenways Fund-Farmland (CP 7149) (County Executive)

This is for the active recreation, I assume. Motion -- for farmland. Oh, we're ready to buy?

MR. GRECCO:

Yes. Mr. Chairman, we've -- yes, we are ready to buy. So far we have closed zero. We have 9.8 million, which was originally appropriated to us. At this time, we have 5.6 million in contract, another 4.4 recently accepted. We --

CHAIRMAN BISHOP:
One deal.

MR. GRECCO:
Excuse me?

CHAIRMAN BISHOP:
That's one purchase.

MR. GRECCO:
Three purchases in Legislator Guldi's district. But we have more parcels coming our way. And we would like to keep this rolling, so if you could see fit to get us the additional 10 million, we can continue this work since this fund is way oversubscribed.

LEG. ALDEN
On the motion.

CHAIRMAN BISHOP:
On the motion, Legislator Alden.

LEG. ALDEN:
So this is nine point something million in Legislator Guldi's district?

MR. GRECCO:
Not necessarily. It's 9.8 million for the entire County. I'm saying at this time, we have three very sizeable and important purchases in his district, which are going to be added to our Farmland Program. The program is County-wide. What I'm saying is in order to continue acquiring development rights County-wide --

CHAIRMAN BISHOP:
I think we're just fascinated by what -- what are we buying for 10

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million?

LEG. GULDI:
Land.

MR. GRECCO:
Okay. I'll tell you. We're buying a place called Wolfser Vineyard --

LEG. ALDEN:
It's an acre of land out on the East End.

MR. GRECCO:
No. No. No. It's in Sagaponack on Montauk Highway with a lot of frontage. It's 115 acres, and it's going for 5.6 million.

LEG. ALDEN:
That's all.

LEG. GULDI:
Yeah, that's all.

MR. GRECCO:
Town of Southampton is coming up with 30% of their money.

CHAIRMAN BISHOP:
Right.

MR. GRECCO:
In addition, we have the Schwenk Farm out in East Hampton. I believe that's approximately --

LEG. GULDI:
42 acres.

MR. GRECCO:
42.2 acres. These are sizeable acreage purchases. And this also has significant -- yeah, okay. Another 4 million.

LEG. GULDI:
East Hampton is coming up with their 30%.

MR. GRECCO:
There is also a John Damiecki property in East Hampton of 32 acres, which we are very close to purchasing. And we have -- we also had an acceptance of the Ryan Family Farm in Sag Harbor which is -- excuse me, no. Shelter Island, which is 63 acres. We're talking about sizeable acre purchases. This is what the Farmland Program is for, for having --

CHAIRMAN BISHOP:
But you're just buying the development rights.

MR. GRECCO:
We're buying the development rights. Keeping in mind, 30% is coming from the towns.

CHAIRMAN BISHOP:
Yeah, no. That's good that we --

LEG. GULDI:
The development rights for farmland on the East End can pay up to say, the fee rights after restricted development rights -- the development rights are vastly more than the fee rights are.

LEG. CARACCILO:
Motion to approve.

CHAIRMAN BISHOP:
I don't know. I don't quite follow that, but all right.

LEG. BINDER:
What's -- the amendment to the Capital Budget, where's the 10 million coming from?

MR. GRECCO:
That's coming out of the bond from the Greenways Program. It's not coming out of --

CHAIRMAN BISHOP:
It's drawing down from what the program --

LEG. BINDER:
Why is it amending the capital -- what's the amendment to the Capital Budget?

MR. GRECCO:
Well, you only gave us 9.8 originally, which we're going to run through shortly, so we'd like to have the balance of the monies.

CHAIRMAN BISHOP:
There -- there --

MR. GRECCO:
We've done the same thing with the Greenways Open Space, and we're going to do the same thing, we're going to ask --

LEG. BINDER:
I know, but you're going after the bond.

MR. GRECCO:
We're going after the access to the bond money.

LEG. BINDER:
If you're adding another ten, you're amending the Capital Budget, there has to be an offset. What's this coming from? What's it --

MR. GRECCO:
No. No. This is not --

MR. SABATINO:
There's no offset -- the referendum that was approved specifically said

CHAIRMAN BISHOP:

We're confused by the word amending. That's what's --

MR. SABATINO:

But that particular referendum was a Charter Law. In the Charter Law, it was written in, no offset automatically had to be added to the budget because the vote was approved.

MR. ISLES:

So it's \$10 million, yeah.

LEG. BINDER:

So this is an additional \$10 million without an offset.

MR. GRECCO:

That's correct, for the balance of the bond.

LEG. BINDER:

Added to the -- balance of the bond.

LEG. CARACCILOLO:

Allan, if I may interject. The vote is approved, \$20 million be earmarked for farmland preservation. We've spent almost 10 million, you need the balance of 10 million to complete these acquisitions you've just enumerated.

MR. GRECCO:

Exactly.

LEG. BINDER:

But what was in the Capital Budget was only \$10 million. That's why we're --

LEG. CARACCILOLO:

It has nothing to do with the Capital Budget. This has everything to do with the Charter Law approved by the voters of Suffolk County to allocate \$20 million.

LEG. BINDER:

Let me take my time back so I'll ask Paul. The -- when it says amending the budget, the Capital Budget is amended in what way?

MR. SABATINO:

The second \$10 million portion of the \$20 million that was approved for farmland acquisition is being reflected in the budget, but unlike all other Capital budget amendments, this one has a provision that was approved that said you -- automatically goes on to the budget without an offset.

LEG. BINDER:

But -- I understand. But then it's an addition because we didn't put it into the Capital Budget --

CHAIRMAN BISHOP:
Yeah, why did we --

LEG. BINDER:
-- it becomes an addition, but it's an addition without an offset. I understand that. That's fine.

MR. SABATINO:
If you recall this was the issue from a year ago when the County Executive submitted the Capital Budget and Program without the full amount of the money reflected in the Capital Budget and Program --

LEG. BINDER:
Agreed. And we didn't -- we didn't change that. In other words, we -- when we did the Capital Budget, we assumed that we were going to spend \$10 million one year and that we would do the other \$10 million in another year. Since it's moved a little faster than maybe some would have expected it to, we're adding to the -- I mean I just want to make it clear -- we're adding to the Capital Budget an additional \$10 million in bonded indebtedness not anticipated for, but doesn't require an offset, which I understand because of the referendum. I understand that. But my point is when we dealt with the Capital Budget, we didn't add the 10 million and say well, let's make sure the whole 20 million is in there for bonding for farmland for this year. We assumed that it would -- the second 10 million would go into another year. And, in fact, I don't know. Maybe, Counsel, you can tell me where the other -- did we just say in the second year? In other words, if we split -- how is it written into the Capital Budget?

MR. SABATINO:
What happened was it wasn't just farmland, it was the entire \$62 million Capital Budget and Program was left out of the budget by the County Executive. Legislators said gee, why did you do that? The Charter Law itself says, by operation of law, it's got to be done. County Executive's people had no answer. The Legislature said, we understand what you're saying, sub rosa, we'll play the same sub rosa aspect and wait until the time when you're actually going to appropriate the money. So we've been sub rosa, doing the \$10 million for open space, \$10 million for the active Greenways portion, active parkland portion and the same thing with farmland, but it's the same \$62 million. I mean, it's got to be done by operation of law.

LEG. BINDER:
Okay.

LEG. ALDEN:
When we did our -- and just recently we debated the Capital Program, and I guess this would be more towards Budget Review. Were the numbers that I had asked for, were they reflected, or did they reflect this \$10 million.

MR. SPERO:
We had said in our report that we've written about this for several years, that in writing in the Greenways Program the amount that's stated

in the Capital Program was understated by the amounts that are not being shown.

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LEG. ALDEN:
Okay.

MR. SPERO:
I'm not familiar with the question you've probably asked Fred.

LEG. ALDEN:
To your recollection, do you know if this was in those reports that he gave us when we were debating the Capital Program this year?

MR. SPERO:
It was in our Capital Report.

LEG. ALDEN:
But it was understated then?

MR. SPERO:
Yes, but we had indicated that --

LEG. ALDEN:
So when we debated it -- that kind of answers my question. When we debated it --

MR. SPERO:
You were aware of this.

LEG. ALDEN:
We were aware of it, but it was understated as far as numbers.

MR. SPERO:
Yes, we indicated that in our Capital Report.

CHAIRMAN BISHOP:
Mr. Chairman, I'm not sure that that answer's correct. I believe it was accounted for -- the chart in the Capital Budget and Program talking about debt, did account for the Greenways Program. I don't think that -- that Budget Review presented a picture to the Legislature of Suffolk County's debt situation and excluded the Capital Budget -- excluded the Greenways --

MR. SPERO:
Excuse me, Legislator Bishop. In Robert Lipp's charts to you, yes, he did include the Greenways because he came and spoke to me.

CHAIRMAN BISHOP:
Right.

MR. SPERO:

But what I'm saying is in our report, we said that the Capital Program does not contain these to the full amount authorized --

CHAIRMAN BISHOP:

Right.

MR. SPERO:

-- under the referendum.

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CHAIRMAN BISHOP:

Does that -- is that clarify -- in other words, many of us worked off the charts, and that's how we --

LEG. ALDEN:

What charts were given to Legislator Bishop? Were they the ones that were distributed or were we working off of the other report?

MR. SPERO:

I believe the chart was give to all Legislators, that Robert Lipp had prepared something on the Capital Program showing total debt. And I remember him coming to me and asking me about the Greenways and him including in his charts the Greenways money that was not shown in the original Capital Program. In an oral report on the Capital Program, under each project, we indicated that such as farmland, that the full value that was authorized was 20 million, but to date only ten million was shown in the County Executive's Capital Program.

LEG. ALDEN:

So under the chart that you got, it would have been appropriated but not issued debt; is that correct?

CHAIRMAN BISHOP:

I don't -- I'm hesitant to go down this path because I'm not 100% certain which chart you have in your mind. The chart that a lot of the Legislative discussion was based on was a chart that showed a spike up in operating budget money that is needed to pay for debt service in the next couple of years and then a nice pleasant decline after that. And a lot of the Capital Budget discussion debates and ultimate shape of the program was based on that chart and a desire by the Legislature not to -- to provide some relieve to that and not to compound the problem. That chart which was the basis of a lot of decision making, did include consideration of the Greenways Program. I think that your premise in bringing it up, which is one that, you know, should be discussed was, did we know about this -- the Greenways Program when we discussed debt? Are we doing our --

LEG. ALDEN:

We absolutely knew about the Greenways because that's always been a given that, you know, this was a voter directive, but what I'm really trying to

focus on -- and I'm going to stop holding up the meeting now because I'll go get some answers on my own -- whether when we looked at that spike up in, number one, authorized debt and issued debt there was -- there was two lines or two components to it, there was one in the already authorized debt and then there was the other one to authorize yet unissued, which shows a pretty long spike which still continues out a number of years. So that's one, and I'm going to need some clarification, but I'll come in and I'll talk to Freddie on that.

CHAIRMAN BISHOP:

Thank you.

CHAIRMAN BISHOP:

Motion to approve by Legislator Carraciolo. Seconded by Legislator Guldi. All in favor? Opposed? Abstentions?

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LEG. BINDER:

Abstain.

LEG. ALDEN:

Abstain.

CHAIRMAN BISHOP:

Two abstentions on farmland. APPROVED (VOTE: 4-0-2-1) (Leg. Binder and Leg. Alden abstained). (Absent: Leg. Fisher)

1560. Accepting and appropriating additional 40% federal grant funds from the New York State Department of Environmental Conservation to the Department of Health Services Division of Environmental Quality for the Water Quality Management Planning (SPDES) Program. (County Executive)

LEG. FIELDS:

Motion to approve.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Guldi. Seconded by Legislator Fields. All in favor? Opposed? 1560 is approved. APPROVED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1562. Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. (County Executive).

County Executive's resolution. May we have an explanation.

MR. GRECCO:

Yes. Periodically we come before you with parcels of land which were

taken for tax default. The Planning Department has looked at these and have decided that they're best suited to be put in --

LEG. GULDI:
Motion.

MR. GRECCO:
-- Nature Preserve status. Much of them are in a Pine Barrens core in other environmentally sensitive areas.

CHAIRMAN BISHOP:
Can you point to any that are not in the Pine Barrens core that we --

MR. GRECCO:
Well, there is a list that is attached, and it shows, for example, { Carlswood } River, Pine Barrens core, Lake Panamoka, Middle Island, etcetera.

CHAIRMAN BISHOP:
I just want to make sure that there are Legislators who are aware that this may be in their constituency.

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MR. GRECCO:
By doing this, we are taking them out of the tax base and exempting them. So we are, in essence, stopping the bleeding. And we're carrying these for taxes. And once we transfer them to Parks, we will --

CHAIRMAN BISHOP:
How does it stop the bleeding?

LEG. GULDI:
We advance to the towns and special jurisdictions their portion of the tax bill without receiving any revenue for doing it on all default parcels.

MR. GRECCO:
In addition, in terms, of the Pine Barrens core, they're carrying a lot of these parcels as vacant and unprotected. And until we transfer them to Parks jurisdiction, just as a procedure, they have been carrying them as privately owned. So we have been doing this from time to time; coming forth with similar resolutions.

LEG. CARACCILO:
Allan, there is a list attached, do you know what the total acreage is and what the amount of taxes saved would be? There is no total at the end.

MR. GRECCO:

It's not summarized here.

MR. ISLES:

We can provide that to you, though.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

We get land, and we save money. It's a remarkable resolution.

LEG. GULDI:

This was to be a good thing.

MR. GRECCO:

I do have that information --

MR. SABATINO:

The dollar amount is 58,000 --

MR. GRECCO:

It's a 104 acres --

LEG. GULDI:

A thousand a year is the taxes?

MR. GRECCO:

58,000 a year.

CHAIRMAN BISHOP:

Motion to approve by Legislator Alden. Seconded by Legislator Fields.

All in favor? APPROVED (VOTE: 6-0-0-1) (Absent: Leg. Fisher).

LEG. CARACCIOLO:

Allan, how many acres was it?

MR. GRECCO:

104 acres.

LEG. CARACCIOLO:

Thank you.

1578. Amending the 2001 Capital Budget and Program and appropriating funds in connection with the continuation of the Suffolk County Community Greenways Fund - Active Parkland CP 7148 (County Executive)

CHAIRMAN BISHOP:

Motion by myself. Seconded by Legislator Caracciolo. All in favor?

Opposed?

LEG. BINDER:
Abstention.

CHAIRMAN BISHOP:
Abstention Legislator Binder. APPROVED (VOTE: 5-0-1-1) (Leg. Binder; abstained) (Absent: Leg. Fisher)

1583. To establish storm water Remediation Program for South Shore tributaries. (Bishop)

Motion by Legislator Alden. Seconded by Legislator Fields. 1583 is approved. APPROVED (VOTE: 6-0-0-1) (Absent: Leg. Fisher)

1585. Declaring a government need for the premises formerly known as Broad Cove Duck Farm, Town of Riverhead, Suffolk County Tax Map No. 0600-086.00-01.00-036.000. (County Executive)

LEG. CARACCIOLO:
Motion to approve.

LEG. FIELDS:
Second.

CHAIRMAN BISHOP:
Explanation.

LEG. CARACCIOLO:
Allan.

MR. GRECCO:
Yes. Mr. Grier is from the County Attorney's Office also. I'm going to discuss this. Briefly, to give you some history on this, Legislator Caracciolo, several years ago, put forth a resolution to acquire this property under the Drinking Water Protection Program. It is 100 acres plus and minus on the Peconic River in Riverhead Town. We had

negotiations with the owners, and there were numerous problems which we could not overcome. The value of this property has ranged from a low of 5 million to a high of 11 million through appraisals.

CHAIRMAN BISHOP:
Is that a condemnation resolution?

MR. GRECCO:
This is not a condemnation resolution.

LEG. ALDEN:
This is a precondemnation resolution.

MR. GRECCO:

This is not a precondemnation resolution. Our appraisals show this property to be anywhere between seven and 8.5 million. It depended upon your methodology and how you looked at the zoning. Negotiations had broken down. And the prior record owner then defaulted in the payment of tax. To date, they have not come in to redeem, though, under Local Law 16, they would have six months to do so. I'm going to now turn over to Mr. Grier to discuss the issue of superior governmental interest.

MR. GRIER:

Under Article A14-29 of the Code, once a property has been taken by tax deed, there is six months from the date of the recording of the tax deed by which a property owner can redeem. Under that section, under Subsection I, the County, when it determines that there is some sort of superior governmental interest, can then cut off the right of the redemption and keep the property. In this case, since we have previously authorized an acquisition under the Drinking Water Protection Program, which is, you know, one of the components of all the land preservation aspects we've tried to undertake in this County for many years, we have already indicated that we have a need for this property for the purposes of preservation. It's also adjacent to Indian Island County Park out in the Flanders area, and this would be right across {Terries} Creek, and this would be a compliment to it. So what this resolution does, we require too, this one declares that there is a governmental need for the property and then we would have to come back with a subsequent resolution afterwards to specifically state we're asserting our superior governmental interest, and thereby cutting off the ability of the property owner to redeem under the Six Month Rule.

LEG. CARACCIOLO:

Dave, this is a two-step process?

MR. GRIER:

Yes, it is.

LEG. CARACCIOLO:

And the reason for that?

MR. GRIER:

I honestly couldn't tell you the reason why, but it specifically states in the statute that there are two resolutions by which we have to undertake the process.

LEG. GULDI:

When will the next resolution be filed?

MR. GRECCO:

As I understand it, the resolution will come when redemption application

is made to basically void the resolution based upon the prior declaration, presumably today, of the superior governmental need. We believe there clearly has been established a superior governmental interest by reason of your -- your resolution and, not only that, but our negotiations with these people, and it was very high profile. And so they knew prior to the taking of the tax deed of our interest in the property.

CHAIRMAN BISHOP:
Legislator Alden.

MR. GRECCO:
So I believe it has been clearly established for environmental reasons for water protection, for open space, for recreational reasons, it's adjacent to a waterway. We have yet to receive a redemption application from them. The next resolution presumably will take, if they do not redeem, then their six-month period has expired, and this would be our property by this resolution. If they do redeem, the second resolution would be a reiteration of what we're doing today, an avoiding of the redemption.

LEG. CARACCIOLO:
Is there any notice required to give the owners of the County taking this action?

MR. GRECCO:
Mr. Grier, would you like to address that?

MR. GRIER:
No specific notice is required. However, again, this is a two-step process, once any application that would be submitted, they would be advised that this is the case. They would then, you know, obviously this is public record, the filing of this resolution, it's, you know, a public document. But again, there is no specific requirement. All, you know -- in taking the tax deed, there have been certain notice requirements that have been required in order to get to that stage. So there has -- and the from -- what I understand the applicant in this case, has picked up an application, although he has not filed it. So he is aware of what the process is.

LEG. BINDER:
Is he aware of this process?

MR. GRIER:
Not that I -- I'm not aware if he's aware of this specific resolution at this point.

LEG. CARACCIOLO:
When would the next resolution come, assume this were to be considered and approved and a subsequent date, when would the second resolution come forth?

MR. GRIER:

If -- depending on the time frames that are involved, if the six months were to lapse, a subsequent resolution wouldn't be necessary because the six-month time period would have expired. Should this resolution be passed, and an application is filed, we would want to, at that point, file something to maintain our superior governmental --

LEG. CARACCIOLO:

And in the absence of an application for redemption being filed, we would act when?

MR. GRIER:

In the absence of an application? Aside from this first resolution declaring the need because we still have approximately four months left before the time expires, aside from this resolution, we wouldn't have to do anything if the time period were to expire, because then the redemptive periods would have expired, and we would then have the property pursuant to both the Tax Act and this additional period.

MR. SABATINO:

I think what he meant was -- just to interject. I think what he means is that if that four-month period runs out, the application period has totally expired, when would the County then take the next step to dedicate it to some specific program, whether it's open space or --

MR. GRECCO:

Similar to the resolution you've seen before with all those parcels on there where we dedicated them to no nature preserve, that -- the Broad Cove parcel would then be included in our next wave of parcels to be dedicated to nature preserve.

LEG. CARACCIOLO:

Counsel -- Legislative Counsel, based on your interpretation of the Charter Law and the references made by the County Attorney, do you agree or disagree with his interpretation?

MR. SABATINO:

It's absolutely correct. They're following the procedure. You have to -- you have to file within six months after the application is filed. Our application was filed so we're still within -- we're way within the deadline. The only -- the notice thing is absolutely correct because the notice -- assuming the Treasurer's Office did it right, which is, they sent the notice to the correct party. They're on notice that the statutory provisions are applicable, and they can read Paragraph 5 of that section as well as anybody else can. The only issue that remains down the road is whether at some point they file for the redemption or if they try and make some claims for, you know, for compensation, but the County with hold the superior governmental interest in being the stronger position than they would be by doing nothing.

LEG. CARACCIOLO:

So the Legislature would be acting properly and prudently by approving this resolution.

MR. SABATINO:

As long as it's consistent with Legislative policy to acquire land for

environmentally sensitive purpose. I mean, you're not obligated to follow this procedure. This is a statutory procedure that was created many, many years ago to give the County this option. But, I mean, you're not obligated to go through, but as long as you feel that this is consistent with some overriding governmental goal or objective, this would be a prudent way out.

LEG. CARACCIOLO:
Thank you.

LEG. ALDEN:
On the motion.

LEG. CARACCIOLO:
On the motion.

LEG. ALDEN:
Dave, have you done a study of the case law on any type of claims that come out of this type of action?

MR. GRIER:
Well, as far as Suffolk County's concerned, there is --

LEG. ALDEN:
There is similar stuff, but I'm going to ask for an Executive Session before we vote on this.

LEG. CARACCIOLO:
What would be the purpose of the Executive Session?

LEG. ALDEN:
There's possible litigation out of this, and I'd like to explore the dollar amount that might actually -- the type of litigation, the type of claim and the dollar amount that we could possibly subject Suffolk County to in passing this.

LEG. GULDI:
Is there a motion, because I'll second the motion. I think -- I think we should discuss -- I think that this does merit an Exec Session discussion because if there's anything that smells like litigation coming, this does.

LEG. CARACCIOLO:
We have a motion to second. All in favor? Opposed?

LEG. GULDI:
Motion approving the presence of --

LEG. CARACCIOLO:
The County Attorney --

LEG. GULDI:

County Attorney, Planning, Real Estate, Budget Review and staff.

LEG. ALDEN:

A suggestion, maybe we should go into one of the conference rooms rather

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than try to clear the auditorium and turn off the mikes.

MR. SABATINO:

There are only two people out there.

LEG. ALDEN:

Then we have to turn out of the mikes and all that stuff.

LEG. GULDI:

Actually, we can ask the two people in the -- you guys don't mind leaving, do you?

(*EXECUTIVE SESSION: 5:05 P.M. until 5:22 P.M.*)

(*THE MEETING WAS RECONVENED AT 5:24 P.M.*)

CHAIRMAN BISHOP:

All right, Mr. Chairman. I am the Chairman.

LEG. CARACCIOLO:

Mr. Chairman, if I could just add to that last request? Allan, could you put on the record exactly what you intend to do with respect to the contamination of this site and the DEC notification.

MR. GRECCO:

We have had Phase One environmental audit done on this property when we were looking to acquire it under the Drinking Water Protection Program. It showed several matters of concern to us. We plan to inform and discuss this matter with the DEC to see whatever measures are appropriate.

LEG. CARACCIOLO:

Thank you.

LEG. GULDI:

On the motion, Mr. Chairman.

LEG. CARACCIOLO:

All in favor? Opposed? Abstentions? It's unanimous.

APPROVED (VOTE: 6-0-0-1) (Absent: Leg. Fisher)

1592. Establishing criteria for Suffolk County Active Parklands Stage II Acquisition Program. (Haley)

LEG. CARACCIOLO:
Explanation.

MR. SABATINO:
This is the legislation that will deal with that generic fund that was created in the most recent Capital Budget Process for the year 2002. If that fund is available in the year 2002, this legislation lays out the criteria for how to access it.

LEG. CARACCIOLO:
I guess that is my question. What is the criteria, Mr. Isles if you review this resolution, and would you like to comment?

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MR. ISLES:
We have reviewed it. The criteria would specify certain standards and obligations on the part of organizations, community organizations, partnering with the County on the Active Parkland Program. I don't believe it would apply to towns and villages as being permanent municipal entities. But it would set certain standards of financial commitment such as \$50,000 on the part of an organization of that nature. And I think the idea of the program is to have some assurance that there is some credibility, that there is some weight behind the community organizations to carry on the projects that they proposed to the County. So we think it's not a bad idea to have some kind of standard and don't have any objection to the -- to this resolution.

LEG. CARACCIOLO:
Okay. In terms of the \$50,000, is that in terms of assets, in terms, of contribution towards the project, project completion, is there a timetable, are there audited financial to see if the organizations are viable, all of the above?

MR. SABATINO:
That's was this is doing. It's just incorporating those criteria that you had discussed earlier in the year with Legislator Bishop and others.

LEG. CARACCIOLO:
Very good. Motion to approve. Motion to approve. Is there a second?

LEG. ALDEN:
Second.

LEG. CARACCIOLO:
Seconded by Legislator Alden. All in favor? On the motion, Legislator Binder.

LEG. BINDER:
So -- so we're saying is that all active parklands at that point are going to require that \$50,000, is that --

LEG. CARACCIOLO:

Is that a fair interpretation, Counsel?

MR. SABATINO:

No. No. This is just going to be for the new generic Capital Budget Program that might be in place for the year 2002. If money is going to be accessed for active parkland purposes, not under Greenways, but under this initiative, then any organizations that's contributing at least \$50,000 to that active parkland enterprise will have to comply with the stringent financial auditing background type --

CHAIRMAN BISHOP:

How is that different than the current law?

MR. SABATINO:

We don't currently have the \$50,000 or the auditing of financial --

CHAIRMAN BISHOP:

But the only -- the only non-municipal partners that we've had, have been

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subject to this criteria, right, as I recall. Budget Review has reviewed their finances; is that correct, or am I wrong?

LEG. CARACCIOLO:

You're a cosponsor of this.

MR. SABATINO:

This is -- maybe a better choice of words is this is going to codify what this committee was seeking in terms of procedures.

CHAIRMAN BISHOP:

The answer has made my point brilliantly.

LEG. CARACCIOLO:

I'm glad to see that the Chairman has agreed with the vice-Chairman when I submitted a similar resolution. He finally came around, that's great.

CHAIRMAN BISHOP:

Well, I mean, initially, he was going to audit all the towns.

LEG. CARACCIOLO:

Request that the Clerk add me as a cosponsor. We have a vote. A motion and a second. All in favor? Opposed? Abstentions? Unanimous. 1592 is adopted. APPROVED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1594 was previously approved. 1595 was previously approved.

INTRODUCTORY NON PRIME

1491. Authorizing conveyance of parcel to Town of Islip (Parks/Open

Space) Section 72-h, General Municipal Law. (Alden)

CHAIRMAN BISHOP:
Motion to defer to prime.

LEG. CARACCIOLO:
Second. All in favor? Opposed? Abstentions? Defer to prime.
DEFERRED TO PRIME (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

TABLED RESOLUTIONS

CHAIRMAN BISHOP:
Tabled resolutions. I'll take --

LEG. ALDEN:
We don't have to do anything with tabled.

CHAIRMAN BISHOP:
Tabled. They're regular tabled. I'll take it back, if I can, Mike.

LEG. CARACCIOLO:
I make a motion to table.

1024. Adopting Local Law No. -2001, a Charter Law to authorize payments in lieu of taxes (pilots) for Suffolk County Community Greenways Fund. (Caracciolo)

CHAIRMAN BISHOP:
Motion to table by Legislator Caracciolo. Seconded by myself. All in favor? Opposed. 1024 is tabled. TABLED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1185. Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) Town of Brookhaven (Haley)

CHAIRMAN BISHOP:
Motion to table by myself. Seconded by Legislator Carraciolo. All in favor? Opposed? 1185 is tabled. TABLED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1198. Implementing Greenways Program in connection with acquisition of active parklands at Village of Amityville. (Bishop)

Is this -- does this have everything it needs? No. What it doesn't have is Town Board, Babylon Town Board.

LEG. ALDEN:
Motion to --

LEG. CARACCIOLO:
Second.

CHAIRMAN BISHOP:
All in favor? Opposed? That's tabled. TABLED (VOTE: 6-0-0-1). (Absent:
Leg. Fisher)

1230. Authorizing acquisition of environmentally sensitive lands to be
acquired with the current funding pursuant to Article XII of the Suffolk
County Charter. (County Executive)

That's that Pine Barrens one. Motion by myself to table. Seconded by
Legislator Caracciolo. All in favor? Opposed? 1230 is tabled.
TABLED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1265. Approving acquisition under Suffolk County Land Preservation
Partnership Program at Portion road in Lake Ronkonkoma, Town of
Brookhaven. (Caracappa)

Does this have everything it needs, 1265?

MR. SABATINO:
65 -- the issue the last time was Town Board resolution we needed. Town
Board resolution needed.

CHAIRMAN BISHOP:
Motion to table by Legislator Binder. Seconded by myself. All in favor?
Opposed? 1265 is tabled. TABLED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1337. Dedicating certain lands now owned by the County of Suffolk to the
County Nature Preserve pursuant to article I of the Suffolk County
Charter and Section 406 of the New York Real Property Tax Law. (Woodlands
in Hauppauge) (Crecca)

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LEG. BINDER:
Motion to table.

CHAIRMAN BISHOP:
This is in Crecca's District, and he asked for a tabling. Motion by
Legislator Binder. Seconded by myself. 1337 is tabled.
TABLED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1359. Requiring adherence to federal standards for mercury testing in
Suffolk County. (Cooper)

CHAIRMAN BISHOP:
What was the issue last time, Counsel? Do you recall?

MR. SABATINO:
The issue was nobody from Public Works was present, and the committee was

going to make a request to have somebody present.

LEG. CARACCIOLO:
Table.

LEG. BINDER:
Motion to table.

CHAIRMAN BISHOP:
Can we make a request next time that Public Works -- they don't have to be here, if they could just write comments, that would be helpful.
Motion by myself to table. Seconded by Legislator Binder. 1359 is tabled. TABLED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1363. Authorizing the acquisition of developmental rights to farmlands by the County of Suffolk of property in Wheatley Heights (Pay-as-you-go 1/4 cent Taxpayer Protection Program. (Postal)

MR. SABATINO:
That was tabled because we needed a Farmland Select Committee recommendation.

CHAIRMAN BISHOP:
Motion to table by Legislator --

MR. ISLES:
The Farmland Committee did approve it in late May.

LEG. GULDI:
Motion to approve.

LEG. ALDEN:
Motion to approve, second.

CHAIRMAN BISHOP:
Motion to approve by Legislator Guldi. Seconded by myself. This is an unwilling seller, however. All in favor? Opposed? 1363 is tabled. 1420.

LEG. ALDEN:
No, approved.

CHAIRMAN BISHOP:
Oh, I'm sorry. Let me do that again, cleanly. 1363, motion to approve by Legislator Guldi. Seconded by myself. All in favor? Opposed? 1363 is approved. APPROVED (VOTE: 6-0-0-1). (Absent: Leg. Fisher)

1420. Adopting a Local Law No. 2001, a Local Law to require verbatim

minutes for Suffolk County Planning Commission. (Fields)

LEG. FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields. Seconded by Legislator Guldi.
All in favor? Opposed?

LEG. BINDER:

Opposed.

CHAIRMAN BISHOP:

Opposed, Legislator Binder. APPROVED (VOTE: 5-1-0-1) (Leg. Binder; opposed). (Absent: Leg. Fisher)

1432. Making a SEQRA determination in connection with the proposed alternate sludge processing at Suffolk County Southwest Sewer District No. 3, Town of Babylon. (Presiding Officer)

CHAIRMAN BISHOP:

I met with department of Public Works, they've satisfied my question. Motion to approve by myself. Seconded by Legislator Binder. All in favor? Opposed? 1432 is approved. APPROVED (VOTE: 6-0-0-1) (Absent: Leg. Fisher).

Tabled Subject To Call, we will leave that way. And thank you. Motion to adjourn by Legislator Alden. Seconded by Legislator Fields. We stand adjourned. Not today.

MR. ISLES:

This is the third time. We'd like to do it.

CHAIRMAN BISHOP:

South Shore Estuary. All right.

MR. ISLES:

We also had something on affordable housing, but I'm just going to give you an update on that one.

CHAIRMAN BISHOP:

If we may. Legislator Alden, I erred. We're going to come back in.

MR. ISLES:

Real brief, right?

CHAIRMAN BISHOP:

We have a motion to come back into session by Legislator Bishop.

Seconded by Legislator Guldi. Thank you. I apologize for prematurely adjourning the meeting. Planning Director Isles has a comment about affordable housing.

MR. ISLES:

We appreciate your time on this, and just keep it really, really brief.

CHAIRMAN BISHOP:

Sure.

MR. ISLES:

There's two things on affordable housing. Number one, County Legislature did approve Capital Funding for affordable housing and the Opportunities Program. I'd just like to report back to you that that program began this year. We have a number of projects that are in the talking stages, and we're evolving those projects with the towns involved, including the Towns of Islip, Huntington, Southold and Town of Brookhaven at this point to name a few that are very active. And we hope to be to you relatively soon with specific resolutions, planning steps resolutions perhaps to get some of those projects off the ground.

Secondly, we'd just like to talk very briefly about the portion of the Quarter Percent Program that's dedicated for the new Quarter Percent Program that's dedicated for non point source water pollution cleanup protection and removal of pollutants. This program is part of the New Quarter Percent Program. It's about 11%, 11 1/4% of the sales tax is dedicated to the program. It's estimated to be a total of about \$98 million, in the overall for the 13 year life of the program. And it's really somewhat of a historic program because it's -- we've gotten calls from throughout the country at this point asking about this program. And so in August of 2000, the department was directed by the Legislature to prepare a report, a plan for this year's expenditures. The report was finished in February and sent to all Members of the Legislature. And in that report, which Dewitt Davies, our Chief Environmental Analyst is here today to provide some addition explanation of that report. But we identified 14 projects from county agencies, six dealing with various county lands, and eight dealing with generic type projects. We also identified some issues with the program, as well as with the process of the program. And if you have a couple more minutes, what we'd like to do is just bring up a couple of those issues just for the Legislature to consider, this committee to consider.

MR. DAVIES:

Good afternoon. If you recall, in late February, the Planning Department distributed the report to the Legislature at its request dealing with this Suffolk County Water Quality Protection and Restoration Program. Again, this is the copy of the report that was delivered a few months ago to the Legislature. What Loretta is handing out today, is an overview of that particular report in a different kind of format; it contains seven questions and seven answers, and more or less distills the essence of the report in a summary fashion.

Tom already mentioned why this particular program is significant because of its focus on non point source pollution control and aquatic habit

restoration activities, the magnitude of funds dedicated to this program over a 13-year period also. It provides an opportunity to implement actions to improve and protect surface water quality and related resources in accord with Estuary Management Program and recommendations. It's a vehicle for increased intergovernmental cooperation, and also provides an opportunity for the County to leverage funds from various state and federal sources.

The program will enable the County to implement non point source pollution control and restoration projects on County roads, parklands and other properties. We mentioned already some of the funding aspects of this particular program; 98.6 million estimated over a 13-year period dedicated to this particular purpose.

What types of projects are eligible for funding under the program? The County Charter indicates that funds are to be used to offset the County costs of environmental programs with emphasis on infrastructure costs and operating expenses. The Charter lists the types of projects and activities that are eligible for funding, and it emphasizes projects that are recommended in Regional Estuary Management Programs, such as the Peconic Estuary Program, Long Island Sound Study, and South Shore Estuary Reserve. Projects are grouped under various categories, including non point source abatement and control, aquatic habitat restoration, agricultural non point source abatement and control and pollution prevention initiatives.

There is a need at this point in time to take the recommendations for those projects, which are often generic in nature and translate them into action items such that they are specific, there is components that include design and engineering, permit acquisition and construction components. That kind of step is necessary to proceed to implement many of the recommendations contained in those three Estuary Programs. We are faced with a situation where there are significant policy issues that need to be resolved with respect to how this program can be implemented in the future. It's obvious that the funds can be used to offset the costs to the County for infrastructure improvements and operating expenses to implement County projects. The Department of Planning staff believes that projects that provide benefits to County highways, parks, facilities and resources should receive the highest priority use for program funds. It is not clear at this time whether or not potential projects conducted by towns and villages involving town/village roads, for example, will be eligible for funding. And the same thing can be said for non point source management actions that target privately owned farmland to reduce fertilizer and other chemical inputs to surface waters.

Simply stated, can funds collected pursuant to this program be used by towns and villages on lands under their jurisdiction and ownership? By extension, should they be used for such purposes? The same question can be applied with respect to projects that involve agricultural non point source pollution control actions on privately owned farmland. Has the framework been established at this point in time for program implementation? Not yet. The program proposes a significant administrative challenge. And several important steps should be taken to deal with these challenges. For example, if a typical non point source storm water mitigation project costs \$25,000 to implement, over the life

of this program, 4000 projects of such a magnitude could be conducted. As we all know, the permitting process is a significant bottle neck to implementation. So there is a need to designate responsibility for implementation and oversight to a single entity that would provide guidance and support to program participants. Action is also needed to establish project priorities, eligibility requirements and the mechanisms for soliciting and screening proposed projects.

The report contains suggested alternatives with respect to all of those topics, including the establishment of a Program Review Committee that would use criteria adopted by the Legislature for soliciting and screening projects, such that if this committee approves a project, it would solicit and send that project to the County Legislature, which would be then given the final decision to approve and implement those particular projects that it wants to fund. The initial implementation of this program was covered under Resolution Number 6622000, which authorized expenditures for projects involving Great South Bay, Long Island Sound, and the East End of Suffolk County. As Tom mentioned, there are a number of projects that were solicited and included in the project report, which are there on the table for future discussion, should the Legislature want to consider them.

LEG. GULDI:
May I?

CHAIRMAN BISHOP:
Legislator Guldi has a question. And I just want to, before I turn it over to you, George. The two major points here are one, how do we handle a town, village and private property? Is the County funding stream eligible to address those non point source pollution points? Is that redundant? Well, today this committee passed a resolution which does commit County resources to towns and villages along designated streams. So we're trying to look at, I think the policy determination has been made today, and hopefully we can keep it that we're going to look at these tributaries that feed into the bay as a whole and to segment out just the County portion -- the County spots, points that are problematic, but rather to address streams holistically. The second point that you make, and I don't think we've given an answer to this is who's going to coordinate all this and where are the, you know, internally in our structure, who's going to be responsible for the massive amount of work that \$98 million commitment can contain? Legislator Guldi, you have questions.

LEG. GULDI:
Well, yes. Take it from the top, if you will. The reason for the lack of specificity in the plan is, in 1999, when we put this provision into the referendum, was that we acknowledged that the technology isn't developed, the knowledge that we will have 14, actually 15 years from now, will be vastly different than the knowledge we have today about how

to deal with these problems. How to deal with non point source pollutions. The objective of this structure was to create a governmental PILOT Program to develop technology, to develop mechanisms.

Okay. Here we are 18 months since adoption of this provision with revenue in hand and looking for the policy direction, in terms of what priorities and spendings and parameters we want. And frankly, the

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purpose of the program was to develop those and to seek those because there was very little work done to date in dealing with this type of pollution source data. So, I mean, you're coming to us now and saying, "Okay. What do you want us to do?" What do you want to do? The report that you described, unfortunately, my staff saw fit to not route it to me. I haven't seen it yet. So could -- if you could bring copies of it to us on Tuesday and hand it to me personally, I'd appreciate that, then at least I'd had an opportunity to see one. And I suggest that some of my colleagues haven't -- I would suggest that -- that you make copies available to all of us for the same reason.

CHAIRMAN BISHOP:

I think we all read it.

LEG. GULDI:

Well, I didn't. My staff didn't give it to me. The directions, I mean, part of the reason -- part of the reason we through it -- yes, storm water runoffs are a wonderful area and can be very effective, we should look at it on all our roads, but I don't think we should be funding for municipalities because there are some municipalities that are way ahead of us, in terms of addressing salt water runoff and -- as a non point source of pollution. But hopefully, with the \$98 million revenue stream, will provide us with the ability to come up with some superior ways of addressing these concerns. And that's why the program was written without the kinds of rigid here's your criteria for waiting and evaluating proposals, and here are your goals and objectives. Develop them. That's what the challenge is.

LEG. FIELDS:

I think they're looking at us for direction here and to make more -- the policy more distinct. But you mentioned a commission or a board or I forget --

MR. ISLES:

Screening Committee.

LEG. FIELDS:

Screening Committee. Who would that be made up of?

MR. ISLES:

It would be made up from the involved agencies. Representatives obviously from this committee and parts of the Legislature. But I think

the idea being that we don't object to the idea that the law is some what loose because it's a long term program in a partly undefined area. But I think we'd like to go forward and serve the Legislature in implementing this program as effectively as possible. And the idea on the Screening Committee is that, perhaps that would be an aide to the Legislature in running through the applications and providing some sort of response, in terms of this one does appear to meet the objectives, this one doesn't. We can go a number of different directions, we just think that some sort of review might be -- might be helpful to you. I think the other point too is that we too --

CHAIRMAN BISHOP:

Review of what applications? Who's applications?

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MR. ISLES:

Well, I guess the question would be where do these -- where do these projects come from? And obviously they can be initiated legislatively, and that's certainly a direction you can go in. What we had done as part of this report is that we contacted relative or County departments and said you guys have ideas for these -- for this program that you might avail yourself of. And we did receive back from the County departments the 14 projects we spoke about. But we did not do any ranking of those or any sort of analysis --

CHAIRMAN BISHOP:

How many of those projects were planned before this initiative was passed last year?

MR. ISLES:

I don't know.

CHAIRMAN BISHOP:

Fourteen for 14, I believe is the answer.

MR. DAVIES:

Certainly the Department of Parks projects were not bland. The Department of Public Works projects that were covered by the Bond Act were involved in previous work. I think that the initiative there was to implement projects that were already partially funded by the State of New York, and there were problems in terms of getting those projects implemented. And I don't believe, and I'm not totally sure about this, but as far as all the other projects that were concerned, I don't think any of them were previously proposed by anybody, but I'm not positive about that.

MR. ISLES:

I think that we -- I'm sorry. But the other comment I'd like to make is that, obviously this is a long program, a major commitment of the County's resources. I think all we want to do is get your comments on

how we should proceed on this, obviously from the Executive Branch as well. But also, I've seen it with the Open Space Program since I got here, that as the money is expended, there's little bit of questioning afterwards. When parcels come in for appropriation, for example, well, why are we doing this and so forth. So I think we want to have a feeling that we're moving in the right direction and implementing what you want to do in terms of this program, what you want achieve with this program and just make sure we're pointed in the right direction that we're achieving the objectives that this legislation is intended to achieve.

CHAIRMAN BISHOP:

Do you want to be the lead -- in the bill that Legislator Alden, myself and Fields, you know, sponsored today, that was approved out of this committee, we designated Soil Water Conservation Board to be the lead agency to make application, I assume, ultimately to implement. Do you think that should be the Planning Department's function? Who should have that. I tell you who's not going to get it, is Public Works because I don't think that they have met the challenge to date. Well, let me get the answer and then you can --

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MR. ISLES:

Well, I was going to answer Public Works, but -- well, in terms of -- obviously, we're happy to assist as much as we can. But quite frankly, we're not an --

CHAIRMAN BISHOP:

You're not --

MR. ISLES:

Entity that goes out and builds roads or drainage.

CHAIRMAN BISHOP:

You're a brain.

MR. ISLES:

I do certain things on weekends, but not that. So it's not something in terms of an operating department function that we would typically do. I think it's a damn good question, and it's the kind of question we've been wrestling with here in terms of who's carrying the ball in this thing, getting the jobs done?

CHAIRMAN BISHOP:

No one.

LEG. GULDI:

No one.

CHAIRMAN BISHOP:

That's why I came up with Soil Water Conservation Board.

LEG. FIELDS:

But they're so -- there's like only -- that was one of the reasons I had the grant thing in there for them because they've requested it. They're so short funded -- short funded, short manned. I'm not sure that they could handle this kind of a --

CHAIRMAN BISHOP:

Well, obviously not right now. If you said well, you have a \$98 million program, go get it boys, you know, I don't think they're going to be able to do it.

LEG. FIELDS:

But the other question that I have is that if you're going to put together a panel or a commission or whatever, I think it would have to be equitable to all of Suffolk County so that -- I mean that you have experienced in the few times, you know, the short time that you've been commissioner that there are some difficulties sometimes with some Legislators as to whether something is in their district or not in their district. And I think that, you know, that would be probably one of the concerns of most of the Legislators that they would like to see the money expended in their district. So it might be important as to who is on that board or panel or task force.

MR. DAVIES:

I would add one thing, David, about your -- about that particular resolution. That's a very good idea, in terms of determining where the

priorities are and what kinds of techniques can apply to specific locations on stream corridors to reduce non point source pollution. Without that kind of initial analysis, you are literally, you know, working in the dark, but you really won't know whether or not a project that is implemented is going to do any good. So your first step is a planning step, and that's a step in the right direction. The question with respect to who does that sort of thing, it can be a number of different answers with respect to that. The concept of doing things on a comprehensive stream corridor basis as mentioned in the report is worthy of following throughout the whole County.

CHAIRMAN BISHOP:

I read the report. I really did.

LEG. GULDI:

If I may? The first proposal in the report is the -- is again, soil water runoff projects. I mean, the concept of using this PILOT Program -- because the \$98 million is not going to be enough to address non point source pollution in Suffolk County for the duration of history. We knew that when we created it. The objective was to use part of the funding from the quarter penny extension to create a program and get started in

the area. One that we are -- that some felt we were not exactly at the cutting edge on. But to take the \$98 million and use it in DPW in order to interdict storm water runoff from the roads, on the theory that storm water runoff -- but building culverts in our road system that directs storm water runoff into our creeks and bays is not a good thing.

Isn't what we have in mind -- clearly, we know that every time you touch a road and every time you design a runoff, you should be cognizant of where you're putting it. And that should be done as part of the ordinary course of our road and highway projects and not out of this \$98 million. Including the utilization of more state-of-the-art scrubbing and trapping techniques for that water as it goes from the roadways and into its recharge areas. The -- what we are hoping for is, okay, let's be more innovative, let's find a way to begin to deal with the fact that the -- Suffolk County's water system is a single united system, whether it's Southwest Sewer that gets a third of the money or the drinking water or the open space programs or our point of source pollution programs, it's all one well and it's all really part of our future. But let's create a new source of revenue for new programs and new initiatives to develop a state-of-the-art to protect our drinking water into the next hundred years. Not dealing with last century's technology and the mere recognition of the fact that you don't foul the well and expect to continue to drink out of it healthfully.

CHAIRMAN BISHOP:
Do you follow that?

MR. DAVIES:
I have no problem with any of that. But, in terms of the Article 12 language, it talks about innovative solutions and a number of fronts. So --

LEG. GULDI:
Right. If you come up with a better way to deal with road run -- road runoff from subsewers, then the -- then the technology that we know we

ought to be using today, but haven't implemented in all of our roads, that's a project that would be worthy of this funding source. But if you're going to use -- I don't think that it's a good idea to take this funding source and use it to supplement our road construction project by taking the -- by using that funding to deal with the road runoff issue that you would otherwise deal with out of our ordinary road construction budget.

CHAIRMAN BISHOP:
That's clearly the will of the Legislature.

LEG. GULDI:
That's clearly what we meant to do with the legislation. But here, you know, Proposal 1 is to take the staff persons and -- on designing the

culverts and the road runoff on our DPW projects and pick them up out of the 98 million. That's not it. Okay. But if you've got -- you know, if you want to build a better mouse trap for that problem, and you have someone who comes to you with a proposal to do that, let's do that. But your point is what's the mechanism for intake and evaluation? That's a good point.

CHAIRMAN BISHOP:

We haven't been overwhelmed exactly with proposals though, right?

LEG. GULDI:

No. But with the money--

CHAIRMAN BISHOP:

Proposals are coming out of -- out of this institution --

LEG. GULDI:

When you put the money on the table, it'll attract some proposals and --

CHAIRMAN BISHOP:

The money's on the table --

LEG. GULDI:

Eighteen months.

CHAIRMAN BISHOP:

Which is unusual. I mean, it's, you know, that's a lot of money and it's there, and basically the proposals are coming out of this institution.

LEG. GULDI:

Well, and the proposal is that we take the guy who's on staff to do the design for the road runoff culverts and we put up the money.

CHAIRMAN BISHOP:

That's not our proposal. That's -- I don't know where you're reading that. Where's that one?

LEG. GULDI:

Page 28.

CHAIRMAN BISHOP:

Of the report.

MR. ISLES:

Well, under Public Works they submit --

CHAIRMAN BISHOP:

Yeah. That's Public Works. I mean, everybody sees through that. That's why they're not going to be the lead agency.

MR. ISLES:

The only point I would make is that as part of a regular road project of upgrading the drainage system, certainly makes sense. In the case of a County road where we're not going to be going back there for umpteen years, we have direct pipe going into a stream. Does it make sense to intercept that and to somehow mitigate the runoff?

CHAIRMAN BISHOP:

Well, if we do like the initial resolution does, which got Mr. Davies imprimatur, and look at streams and not roads, you know, that's -- we solve that problem. Because then if DPW is going back 10 years from now, we would be there right away, not 10 years later.

MR. ISLES:

I think just to echo Dewitt's point too, that if we do want to embark on some of these innovative ideas, advance the state-of-the-art in Suffolk County on these uses, we probably need to come up with a systematic approach of measurement. And, you know, at the end of the day, are we going to know if we made any difference or not? So that might be a factor into this that should be designed into the program.

CHAIRMAN BISHOP:

How do we do that?

LEG. GULDI:

That's the question.

MR. ISLES:

Well, it would have to be a monitoring and testing and doing a before and after, I would assume. I'll leave it to my scientist.

MR. DAVIES:

I think, you know, you might even get a little bit ahead of things here with respect to that. You know, there's a large body of literature available that assesses a lot of these techniques, so I'm not quite sure how innovative you really want to be. And the question becomes one of implementation. If the techniques are out there and they can be implemented in a specific location where those site characteristics are suitable for it, it's really not an innovative solution. It's just the implementation of a solution. So, you know, I think maybe we're talking about different things here, but --

LEG. GULDI:

Well, yeah. Maybe we are, but the result is -- well, for us to take a tried and true technology and apply it in a location where it's merited that we haven't done it, it would be for us an innovation and would have a positive environmental impact. That's certainly the direction we want to go, but we want to do that in areas that we're not doing it anyway in. That's -- this is new money for new programs for new methods of getting

pollution out of our environment.

MR. DAVIES:

That's only one of the areas that are focused on in the amendment; aquatic habitat restoration is a broad area that we haven't discussed here, you know, at all at this point. So there are lots of other things that, you know, the intent was not to focus on one aspect of road runoff.

LEG. GULDI:

No. No, it's not. But the recommendations in the report, your position as a department is that we need legislation to create the administrative infrastructure to monitor, supervise and administer this or is that your department is doing this anyway and your just --

CHAIRMAN BISHOP:

They offered him that.

MR. ISLES:

I'm not sure if we need legislation per se, maybe that's one option. But I think we're just looking for your feedback, which we very much appreciate today. And certainly, I'll report this back to the Executive Branch in terms of the administrative structure --

CHAIRMAN BISHOP:

Here's my intuitive -- intuition. We have a lot of water. We're an island, right? We have Long Island Sound, Peconic Bay, Great South Bay. It occurred to me looking at the map that this might be right for a creation of a specific agency, bureau to coordinate all these estuary programs.

LEG. FIELDS:

Well, that's what the Peconic Estuary and the South Shore Estuaries are.

CHAIRMAN BISHOP:

Well, why don't we -- why don't we give them the power then to -- we're talking about implementing. In other words -- the question is who in our government will do the implementing? Vito, do you want to participate in this?

LEG. FIELDS:

Vito, it can't just be -- Vito, it can't just be Peconic, it's got to be South Shore Estuary too.

MR. MINEI:

Vito Minei, Director of Environmental Quality with the Health Department. Dewitt was eluding to a couple of projects. Number one, Legislator Bishop, you're absolutely correct. Storm water runoff management has to be done by watershed, whether you call it a creek or a bay. It can't be done by roads. To take one of the stream corridors you're talking about in your legislation today, which we absolutely support, the Carlls River. You will not improve water quality in the Carlls River just by addressing County roadways. It has to be done by watershed.

We did an evaluation back in the early '80s. It was under the direction of the County Planning Department, but it also involved all the other departments. We did the monitoring in the Health Department of storm

water. And basically, you use a series of solutions. Some of them work where you have a large area from the surface down to ground water where you can recharge it. Others you're a little bit more desperate on the South Shore. Part of the problem with the Carlls River is that there was a lot of plans with regard to using Belmont Lake, Suthords Pond, Argyle Lake, as deposition zones, settlement areas for the idea that you would open shell fishing areas. But I'm not so sure that the people who enjoy those natural resources would like to be living next to a settlement base instead of a pond. So there's -- there's a lot of discussion on how do you utilize these. In the Peconic Estuary Program, we are about to embark on a storm water management program, which is done by watersheds and subwatersheds and we'll set up priorities. It's a good model to use. But this indeed is an environmental planning activity where you need the entire watershed delineated. You need the land use within that watershed enumerated, and you have to find all the points where storm water gets into the creeks. We've done a lot of that work in the past, but it indeed is something much larger than just County roadways.

CHAIRMAN BISHOP:

Well, let's talk the Carlls River as an example. If we pass this legislation that we sponsored, next year they do a study, they say there are 38 different points, use this technology on 22 of them, do this on the other 16, what then? Who will implement that? That's the question that they presented to us. Many of those points are town -- town roads. Probably most of them are town roads. A few are state. The State is taking care of them because the streams that we selected are ones that we know the State is moving forward on. So there would be some --

MR. MINEI:

The Carlls example is an excellent one. It's a large one. But it incorporates many jurisdictions. Indeed, most of the roadways that contribute storm water to the Carlls River are town roadways. But you do have Southern State Parkway, you do have Sunrise Highway and you have Montauk Highway that discharges at the State roadways, at least in portion. And you do have County roadways as well. So again, it's not a roadways planning effort. It's an environmental watershed --

CHAIRMAN BISHOP:

Now who implements? That's back to the --

MR. MINEI:

Well. That's why I like Tom's idea of a Screening Committee, where you would bring all the entities together. And I really thing this Body has to entertain the idea of opening up the funding to town resources, as well, because some of those priorities jump out very quickly. When you talk about other creeks in that area -- what you nationwide Urban Runoff Program showed was that if you pick a grouping of streams, like Carlls River, Sampawams and Santapougue River, which are in immediate vicinity of one another. You could actually open some shell fishing beds, but you'd have to address an enormous amount of the runoff that gets into them. And above Montauk Highway, there's one set of solutions, again, because of depth to ground water. When you get south of Montauk Highway, your set of solutions get very, very, minimal. But the idea is you have

to bring all those interested parties to the table. And I really like the screening concept.

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CHAIRMAN BISHOP:

We agree. All right. But who's going to implement it next year?

LEG. GULDI:

Who do you put on the Screening Committee? We take the same -- I mean --

CHAIRMAN BISHOP:

What is the Screening Committee? Screening Committee -- We're --

LEG. GULDI:

We put a couple of Committee Chairmans on it, on a group of overworked commissioners who are already on too many committees. Guilty. I've put you on how many this month?

MR. MINEI:

But Legislator Bishop, this happens in every environmental effort. Every planning effort, you say who implements. The idea is -- and we do it all the time -- in the Peconic Program, we recommended the Riverhead Sewage Treatment Plant be upgraded. Well, who implements that? Well, you have to work together the help them with funding.

CHAIRMAN BISHOP:

Town of Riverhead.

MR. MINEI:

It isn't enough anymore to identify the problem --

CHAIRMAN BISHOP:

No I understand.

LEG. GULDI:

DEC finding helped a lot there.

MR. MINEI:

So it's a planning effort that you also have to access funds.

CHAIRMAN BISHOP:

But don't you think that there needs to be an agency or a bureau or something? I mean, I'm not -- I don't think I've ever advocated more agencies and bureaus, but this seems to cry out for it because there should be some group of county employees charged with coordinating all that.

LEG. GULDI:

I mean, Vito, the problem I have is yes, you're right, somebody's got to do this. But, I'm mean, your department. You were telling me at Space

Screening Committee that you're so short staffed, it takes you six weeks to begin the review of -- of a sewage treatment -- you need six weeks to get to an application.

MR. MINEI:

I didn't come here to take on this assignment. I came here --

LEG. GULDI:

I understand that. I understand that. But hold on. It's not just your department that's got this staffing problem. I got the problem

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elsewhere.

MR. MINEI:

And what I thought Legislator Bishop was leading us to was the answer. I agree it is a group that has to come together and agree on it. And what I'm saying too is, it's a planning effort that we will all gladly align ourselves with. But I think you have to have enough of the interested parties involved in that screening to really make it worth while and make it work.

LEG. GULDI:

All right. So how many new personnel do you need to do this?

MR. MINEI:

No. I'm not talking about new personnel. We will gladly -- we will gladly --

CHAIRMAN BISHOP:

They're an interagency-intergovernment groups that meets. And I'm saying --

MR. MINEI:

I keep pointing to my right because I still see this as a planning function that we would have a part in, both in the monitoring and also in helping delineate the watershed. We have a lot of efforts, certainly in the stream corridors you picked for your legislation, where we've identified the points where storm water comes in. That's taken care of. But you want to get us to that next step where really finally something has happened after 20 years of intermittent of it.

And what I'm saying is, I believe you should follow up on Mr. Isles' suggestion, that a Screening Committee be part of it. Because what happens is you brought interested parties to the table. They're part of the process, and you're not just laying the blame on them, and say go clean up, Town of Babylon, your roadways. Go clean up, Town of Islip, the roadways around Champlin Creek. What you've done is you've set up a process, where, number one, they're involved in the screening and the planning. And number two, I think it's fabulous that the County has set up a funding source, and I'm not surprised Tom and his staff are getting

phone calls about it. Because I know other places are selling license plates to try to generate funds. I think this is a fantastic opportunity --

LEG. GULDI:

And we managed to put a hundred million dollars on the table.

MR. MINEI:

A hundred million dollars, that's real money. I mean, that's nothing to be sniffed at.

LEG. FIELDS:

But you're also going to have to have the DEC be part of this because bottom line, we could suggest --

MR. MINEI:

I agree with you. And the State DOT has done a lot of innovative things

on State Highways. If you -- if you see their presentation, they've done a lot with regard to Sunrise Highway and Southern State Parkway. They're major players, believe it or not, in environmental protection from storm water runoff. So I would -- you want members of a committee that would make it meaningful? I would say certainly the Planning Department, I would say the towns' Highway Department or planning, I would say the State DOT, and County DPW. County DPW's been maligned a few times, but they were the only one who pulled off an environmental recharge basin on the North Shore of Lake Ronkonkoma. Before then, the towns were playing with things that were failing one year after the other. But so Nassau -- Suffolk County Highway Department has been a player in this.

LEG. GULDI:

How do we make it click, though, rather than create a Screening Committee -- well, like I just said before -- with the same group of overtaxed, overworked department heads. Do we need to create a person to, you know, the person to make it click? And if so, what's that -- you know, where's that title belong, and what should that title be, and how do you make it work? Just brainstorming.

MR. ISLES:

I think so. And I think, as Legislator Bishop is saying too, is that the committee can do one thing, in terms of coordinating, getting the players together, formulating a plan of attack, and so forth. But at some point, somebody's got to sit down and do the job and get the work done and then how does that get done and then -- it is -- would be within a departmental function somewhere in County government. And where this should actually land, as you're saying, we are all taxed in terms of staff capabilities. But whether it should be a separate unit or bureau that's somehow an agglomeration of these entities, that's something we can give further thought to and get back to you. But I think it does need to be something real and not something that's --

LEG. FIELDS:

If I had a wish list of -- Vito and Tom and Dewitt -- of like who could do this, if you could hire anybody or designate someone, what would you suggest? What's your suggestion here?

LEG. GULDI:

And do you want to think about that?

MR. ISLES:

Well, I think we would want to think about it. I'll make the example too that the Legislature approved the Affordable Housing Opportunities Program last year. That has a staff position with it, which is quite nice, actually.

LEG. GULDI:

We have a staff position filled, and how many affordable housing units have we -- exactly have we generated since we've put the money on the table?

MR. ISLES:

Well, we haven't generated any affordable housing units, except that we have at least five projects in the hopper right now actively searching to fill the position, hopefully it will soon. But what I like about though,

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is it's not saying, on everything else you're doing and, you know, this is actually dedicating staff for a dedicated program of getting it accomplished.

LEG. GULDI:

Well, see, you know, dedicating some staff for -- to run new programs is different then taking the design staff on the water runoff over at DPW that are in existing departments and taking them out of the budget and folding them into this revenue source. It's -- it is definitely something to be considered, but, you know, let's come up with a working model for doing it.

CHAIRMAN BISHOP:

And I think that the definition of implementation is probably we're having trouble communicating. I agree the towns should perform the work on the towns roads from the non point source, and the County can do revenue sharing to facilitate that. But for me implementing is obtaining our funds because I'm sure we can levitate that money into federal and state money and ensure that the town is actually doing the work. When you say there should be a Screening Committee, you mean there should be a mechanism to bring the various levels of government together to discuss how they are going to implement this.

MR. DAVIES:

You're right. There are two different things. There's an implementation

oversight entity, and if you notice in the text of the report, there is no specific recommendation as to what that entity should be or who it is because we did not want to get into the situation of arguing over who it should be. The principle question is, yes, you should establish an implementation oversight entity and then the details with that come forth after the principle decision is made. There are two entities. One would be more or less organizing, running the show, making sure that the project that was endorsed three years ago, actually gets implemented within the time frame of the whole program. But this program -- this Program Review Committee would be looking at individual projects as they are proposed based on the criteria established by the County and the Legislature and looking at whether or not those projects are worthy of consideration of funding. So that's just one small aspect of it. The principle problem is with overall organization and making sure that the projects that are funded actually get implemented. And you know already the problems associated with the, you know, the group that you have organized, Legislator Fields, with respect to getting wetlands projects going. So there is no one entity standing out there raising its hands saying, appoint me or appoint them to do this job. There has to be a policy level decision made with respect to that.

CHAIRMAN BISHOP:
Can we readjourn?

MR. ISLES:
Yeah. We appreciate your time, and we'll take your comments and maybe come back with some further recommendations.

(*THE MEETING WAS ADJOURNED AT 6:05 P.M.*)

{ } denotes being spelled phonetically